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THE

REGULATIONS AND LAWS

ENACTED BY THE

GOVERNOR GENERAL IN COUNCIL,

FOR

THE CIVIL GOVERNMENT

OF

THE PROVINCES UNDER THE PRESIDENCY

OF

FORT WILLIAM IN BENGAL,

FROM 1793 TO 1828, INCLUSIVE;

Arranged in Departments, on the Plan of Molony's Synopsis.

VOL. V.

REVENUE DEPARTMENT.

DIVISION I.—HEAD III. to IX.

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*** Where r is prefixed to any regulation or section, it implies that it is entirely *rescinded* or *superseded*.

† *The regulations thus distinguished will be found in the former part of the volume, under Head III.*

‡ *This regulation will be found arranged under Head VIII. above.*

A. D. 1793. REGULATION XIX.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the* 1*st December* 1790, *for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government, under Grants not being of the Description of those termed Badshahee or Royal; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged, or become liable to the Payment of public Revenue.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every *beegha* of land, (demandable in money or kind according to local custom,) unless it transfers its right thereto for a term, or in perpetuity, or limits the public demand upon the whole of the lands belonging to an individual, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, whilst he continues to discharge the latter. As a necessary consequence of this law, if a *zemindar* made a grant of any part of his lands to be held exempt from the payment of revenue, it was considered void, from being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Previous, however, to the Company's accession to the *dewanny*, numerous grants of this description were made, not only by the *zemindars*, but by the officers of Government appointed to the temporary superintendence of the collection of the revenue, under the pretext that the produce of the lands was to be applied to religious or charitable uses. Of these grants, some were applied to the purposes for which they were professed to have been made, but in general, they were given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the granter, or sold to supply his private exigencies. In conformity to the principles which prevailed under the native administration, the British Government have at various times declared all grants for holding land exempt from the payment of revenue, made since the date of the Company's accession to the *dewanny* without their sanction, illegal and void. Their lenity, however, induced them to adopt it as a principle, that grants of this description made previous to the date of the *dewanny*, and provided the grantees had obtained possession, should be held valid to the extent of the intentions of the grantor, as ascertainable from the terms of the writings by which the grants might have been made, or from their nature and denomination. But no complete register of these exempted lands having been formed upon the Company's accession to the *dewanny*, nor subsequent to that period, many *zemindars*, as well as the temporary farmers of the public revenue, and the officers of Government to whom the collection of the revenue in the different districts has been occasionally committed in consequence of the *zemindars* refusing to pay the revenue demanded of them, have availed themselves of the

1 abovementioned

abovementioned rule of limitation, to make grants of extensive tracts of land to others, or in the names of their relations or dependants for their own use, dating the deeds for those alienations previous to the Company's accession to the *dewanny*, or procuring them to be registered in the *zemindaree* records, as having been alienated prior to that period. Others have made such alienations without antedating the grants, and left it to the grantee to maintain himself in possession by such means as circumstances might afford, in the event of his title being brought into question. The Governor General in Council deeming it incumbent on him to recover the public dues thus alienated in opposition to the ancient and existing laws of the country, as well as to resume the revenue of all lands the grants for which might expire; and as the proprietors of estates were not entitled to collect such of the public dues, from the lands included in their estates, as Government had judged it advisable to transfer to individuals, or to resume those which had been alienated by themselves or others, the amount, in both cases, being excluded from the assets on which the settlement was to be concluded; it was made a rule at the time of forming the decennial settlement, and which has been re-enacted by Section 36, Regulation VIII. 1793, that the *jumma* assessed upon the estates of individuals was to be considered as "exclusive and independent of all existing *lakheraje* lands, whether exempted from the *kheraje* or public revenue, with or without due authority;" and by the third clause of the seventh article of the proclamation contained in Regulation I. 1793, which specifies the conditions under which Government declared the decennial settlement permanent, it is expressly stipulated, "that the Governor General in Council will impose such assessment as he may deem equitable on all lands at present alienated, and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles." The Governor General in Council, however, at the same time that he is desirous of recovering the public dues from lands which have been illegally alienated, is equally solicitous that persons holding such grants under titles that are declared valid, should be secured in the possession and enjoyment of their property. It is likewise his wish, that the recovery of the dues of Government from those lands which have been illegally alienated previous to the 1st December 1790, should be attended with as little distress as possible to the possessors; and to obviate all injustice, or extortion, in the enquiry into the titles of persons holding exempted lands, he has further resolved, that the claims of the public on their lands (provided they register the grants as required in this regulation) shall be tried in the courts of judicature, that no such exempted lands may be subjected to the payment of revenue, until the titles of the proprietor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the recovery of the public dues from lands held exempted under invalid grants, as well as to prevent any similar alienations being hereafter made, to the prejudice of the security of the public revenue which has been assessed in perpetuity upon the estates of individuals; and further, that Government and the officers employed in the collection of the public revenue, may at all times have in their possession a correct register of the lands in the several *zillahs* held exempt from the payment of revenue, the following rules, containing the rules passed on the 1st December 1790, with modifications, have been enacted.

Grants of alienated land made previous to the 12th August 1765, declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

Grants made before the *dewanny* of no validity, if possession was not obtained prior thereto, or the lands have been since subjected to the payment of revenue.

II. *First.* All grants for holding land exempt from the payment of revenue, made previous to the 12th August 1765, the date of the company's accession to the *dewanny*, by whatever authority, and whether by a writing, or without a writing, shall be deemed valid, provided the grantee, actually and *bond fide* obtained possession of the land so granted previous to the date above mentioned, and the land shall not have been subsequently rendered subject to the payment of revenue, by the officers, or the orders of Government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 12th August 1765, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government, the grant shall not be deemed valid.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have subjected exempted

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a grant made previous to the date of the Company's accession to the *dewanny*, and of it being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but

that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to subject the land to the payment of revenue, and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any *zillah* or city court, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent jurisdiction within the twelve years, and proceeded in it as required by Section 14, Regulation III. 1793.

land, granted before the *dewanny*, to the payment of revenue.

Claims to hold exempted from revenue, lands that have paid revenue for twelve years, not to be heard.

Exception.

Third. But no part of the two preceding clauses is to be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold exempt from the pay of revenue, land now subject to the payment of revenue, under a grant made previous to the Company's accession to the *dewanny*, the writing for which may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

No persons not being the original grantees, to be entitled to hold exempt from the payment of revenue, lands now subject to the payment of revenue, under grants for life made previous to the *dewanny*.

Fourth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue under a grant made previous to the *dewanny*, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country. (Nor to entitle the heir to any such person to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise, unless it shall be proved to the satisfaction of the court, that the grant, from the nature and denomination of it, is hereditary according to the ancient usages of the country. But upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the date of the *dewanny*, the lands shall not be subjected to the payment of revenue under the decree, without the sanction of the Governor General in Council, to whom a copy of the proceedings and decree of the court is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue or not, as may appear to him proper.)

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to the *dewanny*, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Power reserved to the Governor General in Council, of determining whether life grants, to which one or more successions of whatever nature may have taken place prior to the date of the *dewanny*, shall be subjected to the payment of revenue or not, on the death of the present possessor.

Fifth. The present possessors of lands now exempt from the payment of revenue, under such life grants made previous to the *dewanny*, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives, and all such transfers and mortgages are declared illegal and void. (It is to be understood, however, that if any such life grants shall have been confirmed as hereditary tenures by Government, or by the officers of Government empowered so to confirm them, they are not to be liable to the payment of revenue on the death of the present possessor, and are to be excepted from the other rules contained in this and the preceding clause. If doubts shall arise in any court as to the competency of the authority of any officer of Government to confirm any such life grant as hereditary, the court is to suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining finally whether such officer possessed competent authority to confirm the grant as hereditary or not; and the court, upon receiving the determination of the Governor General in Council, is to decide accordingly.)

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

Such life grants, if confirmed by Government or its officers, not to be subject to the payment of revenue on the death of the present possessor.

All grants made or confirmed since the *dewanny*, excepting by the authority of Government, or its officers duly empowered, declared invalid.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 12th August 1765, and previous to the 1st December 1790, corresponding with the 18th Aughun 1197 Bengal era, the 10th Aughun 1198 Fussily, the 18th Aughun 1198 Willaity, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Exception to the rule in clause first, in favour of the grants herein specified made by the chiefs of the provincial councils,

Third. The rule contained in clause first, is not to be considered to extend to authorize the subjecting to the payment of revenue, land held exempt from the payment of it under grants made previous to the commencement of the Bengal year 1178, or the Fussily or Willaity year 1179, (according as the land may be situated in Bengal, Behar, or Orissa,) under the signature of the chiefs of the late provincial councils, and the seals of those councils, agreeably to an authority vested in them by Government for granting land to be held exempt from the payment of revenue, the annual produce of which did not exceed one hundred rupees.

and also of lands not exceeding ten *beeghas* granted before the dates herein specified, which are appropriated to religious or charitable purposes.

Fourth. Nor to authorize the subjecting to the payment of revenue, any land, the grants for which, whether for the life of the grantee, or otherwise, were made previous to the commencement of the Bengal year 1178, or the Fussily or Willaity year 1179, (according as the land may be situated in Bengal, Behar, or Orissa,) where the quantity of land granted shall not exceed ten *beeghas*, and the produce of it is *bonâ fide* appropriated as an endowment on temples, or to the maintenance of Brahmins, or other religious or charitable purposes. The rule in this clause is declared to extend also to all grants of land whatever not exceeding ten *beeghas*, made previous to the *dewanny*, the produce of which may be now so appropriated.

Questions regarding the proprietary right in lands alienated before the 1st December 1790, and adjudged liable to the payment of revenue, to be determined in the *dewanny adawlut*, this regulation with respect to such lands relating only to the revenue.

IV. This regulation, as far as regards lands alienated previous to the 1st December 1790, respects only the question whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previous to that date, and which, in conformity to this regulation, may become subject to the payment of revenue, is to be considered as a matter of a private nature to be determined by the courts of *dewanny adawlut*, (in the event of any dispute or claim arising respecting it, between the grantee and the grantor, or their respective heirs, or successors. The grantees, or the present possessors, until dispossessed by a decree of the *dewanny adawlut*, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates or dependant *talooks*, (according as the land may exceed or be less than one hundred *beeghas*, as specified in Sections 6, 7, and 21,) subject to the payment of revenue, and they are to execute engagements for the revenue with which their lands may be declared chargeable, either to Government, or to the proprietor, or farmer of the estate in which the lands may be situated, or to the officer of Government, (according as the revenue of the estate in which the land may be situated may be payable by the proprietor or a farmer, or collected *khas*,) under the rules for the decennial settlement. If by the decision of the *dewanny adawlut*, the proprietary right in the land shall be transferred, the person succeeding thereto, is in like manner to be responsible for the payment of the revenue assessed, or chargeable thereon.)

V. By continuing the proprietary right in the land to the grantee or possessor in the cases specified in the preceding section, instead of dispossessing him of the land altogether, agreeably to former usage, and assessing the land in the mode prescribed in the two following sections, a liberal provision will be left to him. Where the grant may have been made before the Bengal year 1178, or the Fussily or Willaity year 1179, the proprietor will hold his land, as an estate paying a fixed revenue of only half the amount assessed on other *malgeesaree* lands in the country; and where the grant may have been made subsequent to the

abovementioned periods, he will hold the land as subject to the payment of the same revenue as other lands assessed with revenue under the rules for the decennial settlement as hereafter directed.

VI. The revenue assessable under Section 9, on land not exceeding one hundred *beeghas* of the measurement that may prevail in the *pergunnah* wherein it may be situated, and whether lying in one village, or two, or more villages, and that may have been alienated by any one grant, made previous to the 1st December 1790, and which may be adjudged or become liable to the payment of revenue, shall belong to the person responsible for the discharge of the revenue of the estate or dependant *talook* in which the land may be situated, notwithstanding any thing said in Section 8, Regulation I. 1793; and he shall not be liable to the payment of any additional revenue, on account of the assessment which may be chargeable on such lands, during the continuance of the engagement under which he may pay the revenue of such estate, or dependant *talook*, when the land may be so adjudged liable to the payment of revenue. If the estate or dependant *talook* shall be held *khas* when the lands are decreed liable to the payment of revenue, the amount is to be collected by, and paid to whomsoever the rents and revenue of the estate or *talook* may be payable, until a settlement shall be concluded for the revenue of it, either with the proprietor, or a farmer. The land which may be so adjudged subject to the payment of revenue, is to be considered as a dependant *talook*.

To whom the revenue assessed on lands not exceeding one hundred *beeghas*, alienated before the 1st December 1790, is to belong.

VII. The revenue assessable under Section 8, on land exceeding one hundred *beeghas* of the measurement that may prevail in the *pergunnah* wherein it may be situated, and whether lying in one village, or two or more villages, and alienated by any one grant made previous to the 1st December 1790, and which may be adjudged or become liable to the payment of revenue, is declared to belong to Government. The lands specified in this section which may be adjudged liable to the payment of revenue, are to be considered as independent *talooks*.

The revenue assessable on lands exceeding one hundred *beeghas*, alienated prior to the 1st December 1790, declared to belong to Government.

VIII. *First.* The amount of the revenue payable from the lands specified in Section 7, is to be adjusted according to the following rules.

Rules for fixing the assessment on the lands specified in Section 7.

Second. If the grant shall have been made previous to the Bengal year 1178, or the Fussily or Willaity year 1179, (according as the lands may be situated in Bengal, Behar, or Orissa,) the revenue to be paid to Government shall be equal to one-half of the annual produce of the land, calculating according to the rates at which other lands in the *pergunnah* of a similar description may be assessed. If any part of the land shall be uncultivated, the proprietor is to be required to bring it into cultivation, and to pay such *russud* or progressive increase, to be regulated with a reference to the reduced rate of the assessment on the cultivated land, as the Board of Revenue, with the sanction of the Governor General in Council, may deem reasonable. The produce of the land shall be ascertained by a survey and measurement, one-half of the expence attending which, is to be defrayed by the proprietor, in the event of his agreeing to the *jumma* required of him, and the other moiety by Government; or, by such other mode of investigation as the Collector, with the sanction of the Board of Revenue, may judge advisable. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held *khas*, under the rules prescribed in Regulation VIII. 1793. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future; but he, and his heirs and successors, shall hold the lands at such fixed revenue for ever.

If the grant shall have been made previous to the Bengal year 1178, or the Fussily or Willaity year 1179.

Third. If the grant shall have been made subsequent to the Bengal year 1178, or the Fussily or Willaity year 1179, (according as the lands may be situated in Bengal, Behar, or Orissa,) the revenue or *jumma* to be paid to Government from the land, shall be assessed agreeably to the rules prescribed in Regulation VIII. 1793, for forming the settlement of estates paying revenue to Government, and the produce shall be ascertained and the expence of the investigation defrayed, in the manner specified with regard to the lands in the preceding clause. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held *khas* under the rules for the decennial settlement. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future; but he, and his heirs and successors, shall hold the land at such fixed revenue for ever.

If the grant shall have been made subsequent to the Bengal year 1178, or the Fussily or Willaity year 1179.

Rule for fixing the amount of the revenue on the lands specified in Section 6.

IX. The rules in the preceding section are to be held applicable to the lands specified in Section 6, with this difference, that the proprietor, farmer, dependant *talookdar*, or officer of government, to whom the revenue may be payable, shall ascertain the produce of the land without subjecting the grantee to any expence; and submit the accounts of it to the collector, who shall fix the revenue to be paid from the lands in perpetuity, reporting the amount for the confirmation of the Board of Revenue, who are empowered, in cases in which it shall appear to them proper, to increase or reduce the amount. If the proprietor shall agree to pay the revenue required of him, he and his heirs and successors, shall hold the lands as a dependant *talook*, subject to the payment of such fixed revenue for ever.

Grants made since the 1st December 1790, declared null and void.

X. All grants for holding land exempt from the payment of revenue, whether exceeding or under one hundred *beeghas*, that have been made since the 1st December 1790, or that may be hereafter made, by any other authority than that of the Governor General in Council, are declared null and void, and no length of possession shall be hereafter considered to give validity to any such grant, either with regard to the property in the soil, or the rents of it. And every person who now possesses, or may succeed to the proprietary right in any estate, or dependant *talook*, or who now holds, or may hereafter hold any estate or dependant *talook* in farm of Government, or of the proprietor, or any other person, and every officer of Government appointed to make the collections from any estate or *talook* held *khas*, is authorized and required to collect the rents from such lands at the rates of the *pergunnah*, and to dispossess the grantee of the proprietary right in the land, and to reannex it to the estate or *talook* in which it may be situated, without making previous application to a court of judicature, or sending previous or subsequent notice of the dispossession or annexation to any officer of Government; nor shall any such proprietor, farmer, or dependant *talookdar*, be liable to an increase of assessment on account of such grants which he may resume and annul, during the term of the engagements that he may be under for the payment of the revenue of such estate or *talook* when the grant may be so resumed and annulled. The managers of the estates of disqualified proprietors, and of joint undivided estates, are authorized and required to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

Managers of estates to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

How proprietors and farmers of land, &c. are to recover the revenue payable to them from the lands specified in Section 6.

XI. Proprietors, or farmers of land, or dependant *talookdars*, who may deem themselves entitled to the revenue of any land of the description of that specified in Section 6. situated in their respective estates, farms, or *talooks*, are to institute a suit for the recovery of it in the court of *dewanny adawlut*. Any proprietor, or farmer of land, or dependant *talookdar*, or other person, subjecting such lands to the payment of revenue, without having previously obtained a judicial decree for that purpose, shall be liable to be sued for damages by the parties injured. Where estates or dependant *talooks* may be held *khas*, the right of suing for the recovery of the revenue from the lands specified in Section 6, is to be considered as vested in the party to whom the collections from the estate or *talook* may be payable. If the estate or *talook* be held *khas* by Government, the *tehsildar* or other officer is to sue for the revenue chargeable on such lands in the room of the proprietor, but under the directions of the collector.

To whom the right of suing for the revenue of the lands specified in Section 6, is to belong, if the estate or *talook* be held *khas*.

Collectors to prosecute for the recovery of the public dues from the lands specified in Section 7.

No lapse of time to be a bar to the recovery of the public dues.

Commission of twenty-five per cent. to be received by collectors on the permanent jumma *of lands, adjudged liable to the payment of revenue in consequence of suits prosecuted by them to a final decision.*

Collectors instituting suits, but not prosecuting them to final judgment, not to re-

XII. It is to be the duty of the collectors, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section 14, to prosecute in the court of* dewanny adawlut *on behalf of Government, for the recovery of the public dues from the lands specified in Section 7, that are declared by this regulation subject to the payment of revenue; and no lapse of time shall be considered as a bar to the recovery of the public dues from such lands.*

XIII. The collectors shall receive a commission of twenty-five per cent. on the amount of the jumma *which may be assessed in perpetuity, on land adjudged liable to the payment of revenue to Government, in consequence of suits which may be prosecuted by them to a final judgment. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office of collector of the zillah in which the lands may be situated, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment*

* Sect. 12, 13, and 14. rescinded by clause second, Section 2. Regulation II. 1819.

of

of revenue, but the commission shall be paid to the collectors, who may prosecute them to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the collectors by whom the suits may have been instituted, or to collectors who may have succeeded the collectors who instituted the suits, and preceded the collectors by whom they may have been prosecuted to a final decision.

cuine commission, excepting in the cases herein specified.

XIV. When a collector shall have ground to believe that any land exceeding one hundred beeghas, and alienated by any one grant previous to the 1st December 1790, is held exempt from the payment of revenue under an invalid title, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the land is liable to the payment of revenue, are empowered to order the collector to institute a suit for the recovery of the public dues. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the collector to demand from the proprietor, by a written requisition, under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody by a time to be limited in the requisition, all the writings in virtue of which he may possess such lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the proprietor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the proprietor, as they may judge proper, upon a consideration of his situation and circumstances in life; and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the proprietor shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the proprietor shall produce the writings, or the lands shall be adjudged liable to the payment of revenue. If the proprietor shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing, or in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced, shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding land exempt from the payment of revenue to produce his title deeds or writings, (excepting for the registry of them by the publication specified in Section 25, or to institute a suit for the recovery of the dues of Government from such exempted lands, without obtaining the previous orders of the Board of Revenue for that purpose; and any suits that may have been instituted by the assistants to the collectors for the recovery of the dues of Government from lands held exempt from the payment of revenue, which may now be depending in any of the courts of judicature, are not to be proceeded in, until the sanction of the Board of Revenue shall be obtained for that purpose. Such suits, if the grants which constitute the subject of them, shall come within the description of the grants specified in Section 6, and the Board of Revenue shall approve of the prosecution of them, are to be carried on by the collectors, and to be decided upon under this regulation. The Board of Revenue are empowered, without receiving any previous report from the collectors, to order suits to be instituted for the recovery of the public dues from lands, which they may have ground to believe are held under invalid titles.

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid tenure.

Board, if they see grounds, empowered to order the collector to sue for the recovery of the public dues,

and may require the proprietor to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition,

and levy the amount in the same manner as arrears of revenue,

and attach the lands upon his not complying with the second requisition.

Proprietors denying that they have any writings, not to be allowed to avoid transmission of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the proprietor of a grant, his title deeds, or instituting a suit against him, without the previous sanction of the Board of Revenue.

Suits for the recovery of the public dues instituted by the assistants to the collectors, and now depending, not to be prosecuted without the orders of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the collectors.

XV. The collectors of the revenue are to defend all suits that may be instituted against Government, by any individual claiming a right to hold lands exempt from the payment of public revenue; and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended and prosecuted by the *vakeel* of Government under the instructions of the collector; and in the event of Government being cast, either wholly or

Collector to defend suits instituted by individuals to hold land exempt from the payment of revenue.

Vakeel of Government to defend or prosecute suits

Instituted against, or by Government.

Rules to be observed by the collector in the event of Government being cast wholly, or in part.

or in part, or, if the collector shall be dissatisfied with the decree in any respect, all the rules contained in Section 30, Regulation XIV. 1793, and the other sections in that regulation, respecting decisions given against a collector in any *zillah* court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expence of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the *zillah* court to be preferred to the provincial court of appeal, or against the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal to the Governor General in Council, who will direct the cause to be appealed or not, in either case, as may appear to him proper.

Courts to award adequate costs and damages in cases of litigious, vexatious, or groundless prosecutions being instituted under this regulation.

XVI. If a suit shall be brought before a court of judicature by the collector, or any officer of Government, or by a proprietor, or a farmer of land, or a dependant* talookdar, *for the recovery of the revenue of lands now held exempt from the payment of revenue, or by any individual, to hold exempt from the payment of revenue, lands which are now subject to the payment of revenue, and it shall appear to the court that the suit was instituted upon insufficient grounds, or from vexatious or other unjustifiable motives, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable, upon a consideration of the circumstances of the case.*

Grants forged or altered in any respect, or antedated, declared void.

XVII. If it shall appear to any court of judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue, dated prior to the 1st December 1790, has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void, as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Persons concerned in the fraud, liable to a criminal prosecution.

XVIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case) to take his trial before the court of circuit.

Proprietors of land adjudged subject to the payment of revenue, to pay the jumma from the date of the first decision, adjudging the land not exempted.

XIX†. The proprietor of a grant of exempted land which may be adjudged liable to the payment of revenue, shall not be required to refund any part of the collections which he may have made from the land previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the zillah *court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall pay the* jumma *which may be assessed upon the lands from the date of such first decree, adjudging the land subject to the payment of revenue.*

Cases in, and rules under which certain grants are to be transferable.

XX. Grants of land, which from the terms of the grant, or the nature of the tenure, are hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers, possessing competent authority to confirm them, are declared transferable by gift, sale, or otherwise; and all persons succeeding to such grants by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this regulation.

* Rescinded by Clause second, Section 2, Regulation II. 1819.
† Rescinded by Clause second, Section 2, Regulation II. 1819.

XXI. *First.* When land of the description specified in Section 7, shall be finally adjudged liable to the payment of revenue, the name or names of the village or villages, or land included in the grant, and the measurement thereof, the *pergunnah* in which the land granted may be situated, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, directed to be kept by Section 33, and opposite to such entry the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by Section 22, in which the lands may stand recorded, and in the periodical register, he is to specify in red ink, the number of the page in the register of intermediate resumptions, in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions, are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section 16, Regulation XLVIII. 1793, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the abovementioned regulation. The collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations in which the above required entries may be made; and he is also to specify in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions, in which the entries respecting the lands may be inserted.

Record of lands specified in Section 7, adjudged liable to the payment of revenue, where to be made.

Second. When land of the description specified in Section 6, shall be finally adjudged liable to the payment of revenue, the measurement of the land, the name of the *pergunnah* in which it may be situated, the *jumma* payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register in which the lands may stand recorded; and in the periodical register, he is to insert in red ink, the number of the page in the register of intermediate resumptions, in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. The lands mentioned in this section not being liable to the payment of revenue to Government, no entry respecting them is to be made in the register of intermediate mutations, or the quinquennial register directed to be kept by Regulation XLVIII. 1793.

Record of lands specified in Section 6, adjudged liable to the payment of revenue, where to be made.

Third. When land now subject to the payment of revenue shall be finally adjudged to be exempted from the payment of revenue, the name or names of the village or villages, or land which may be so exempted, the measurement thereof, the *pergunnah* in which it may be situated, the name or names of the proprietor or proprietors, the amount of the *jumma*, and a copy of the decree, are to be entered in the register of intermediate mutations, and the collector is to insert in red ink, opposite to such entry, the number of the page in the last formed quinquennial register, in which such village or villages, or the village or villages in which the lands may be situated may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment of revenue, and the collector shall insert in red ink opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken. The rules in this clause are to be observed likewise, in case the Governor General in Council should deem it proper, from particular circumstances, to renew any former grants, the land included in which may be now subject to the payment of revenue.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made.

Rule to apply to old grants renewed by Government.

XXII. That Government and its officers, may at all future periods have in their possession, a complete register of the lands throughout the provinces, held exempt from the payment of revenue under grants of the nature of those described in this regulation, and with a view to prevent any such grants being made in future, a register of all lands, whether exceeding or under one hundred *beeghas*, held exempt from the payment of revenue under

Register of lands held exempt from the payment of revenue prior to the 1st December 1790, to be formed every five years.

under grants made previous to the 1st December 1790, shall be formed every five years in each zillah. The register is to specify the denomination of each grant, whether *bermooter*, *bishunpereet*, or other tenure; the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship exists, and in virtue of what right he succeeded to the grant; the date of the grant; the names of the village or villages comprised in the grant, or in which the land granted may be situated; the measurement in *beeghas* of the village or villages, or the land included in the grant, and the name of the *pergunnah* in which the land granted may be situated. The register shall be denominated the "periodical register of lands, held exempt from the payment of revenue under grants made previous to the 1st December 1790, not being *badshahee* or royal grants."

Contents of the register.

Denomination of the register.

XXIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collectors, who are strictly enjoined to adhere to it.

Board of Revenue to prepare a form for the periodical register.

Collectors to adhere to the form.

XXIV. All persons actually holding lands exempt from the payment of public revenue, whether exceeding or under one hundred *beeghas*, in virtue of grants made previous to the 1st December 1790, and whether made or confirmed by the government of the country for the time being, or any other authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue of the *zillah* in which the lands may be situated.

Holders of land exempt from the payment of revenue, allowed one year to register them from the time specified in Section 25.

XXV. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each *zillah*, upon the receipt of this regulation, is to cause the following publication, which shall be written in the Bengal and Persian languages in Bengal and Orissa, and in the Persian language and the Hindoostanee language and Nagree character in Behar, and attested with their official seals and signatures, to be fixed up in the principal *cutcherree* of every proprietor and farmer of land in the *zillah* paying revenue immediately to Government, and of every native collector in lands held *khas* by Government; and, where the estate of any proprietor with whom a settlement may have been concluded, or the farm of any farmer, or lands held *khas*, shall consist of two or more whole *pergunnahs*, or portions of *purgunnahs*, he shall cause the publication to be fixed up in the principal *cutcherree* in each *pergunnah*, or portion of a *pergunnah*, comprised in such estate, farm, or *khas* lands, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it.

Publication to be made, requiring all persons to register their grants.

Publication.

"In conformity to Regulation XIX. 1793, every person being actually in possession of *bermooter*, *bishunpereet*, or other land, now exempt from the payment of revenue, in the estate of ——, or the farm of ——, or the *khas* lands under the charge of ——, whether exceeding or under one hundred *beeghas* of the measurement of the *pergunnah* in which the land may be situated, and whether comprising or lying in one village, or two or more villages, and which may be held in virtue of any grant made previous to the first December 1790, corresponding with the 18th Aughun 1197 Bengal era, the 10th Aughun 1198 Fussily, the 18th Aughun 1198 Willaity, and whether made or confirmed by the government of the country for the time being, or its officers, or any other authority, are required to register the following particulars respecting such lands in the office of the collector of the *zillah*, before the expiration of one year from the date of this publication. If any holders of such grants, who shall not so register their grants either in person, or by *vakeel*, with a *vakalutnumah*, attested by two credible witnesses, and given for the express purpose of registering the grant, the lands will be considered liable to the payment of revenue in the same manner as if they had been adjudged to be so by a final decree of a court of judicature. Persons having claims only to hold land exempt from the payment of revenue, but who do not now hold the lands exempt from the payment of revenue, are not to register the land so claimed by them.

Denomination of the grant, whether *bishunpereet*, *bermooter*, or other tenure.

Name of the grantor.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the deed, if the grant be in writing, and if not, the date on which the grant was made.

The name or names of the village or villages comprised in the grant, or in which the land may be situated.

The measurement of each village, or the villages, or the land included in the grant.

The *pergunnah* or *pergunnahs* in which the lands may be situated.

A copy of the original grant or other writings under which the land may be held."

Lands not registered within the prescribed time, declared subject to the payment of revenue, unless the Governor General in Council shall admit them upon the register.

XXVI. If any person in possession of any such grant of land now held exempt from the payment of revenue, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant, shall by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree of a court of judicature, and the collector, if the land shall exceed one hundred *beeghas*, shall proceed to assess the lands accordingly; and if it shall be under one hundred *beeghas*, the party to whom the revenue of the land may be payable under section 6, is empowered to assess the lands as therein directed. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause to his satisfaction for not having registered it within the limited period, and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered invalid.

XXVII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared invalid as far as regards the exemption from the payment of revenue, and the land shall be assessed with revenue as directed in Section 26.

Registry of lands not to be considered as an admission of the possessor's proprietary right in the soil, nor of his title to hold the land exempt from the payment of revenue.

XXVIII. It is expressly declared, however, that the registry of grants under this regulation, is not to be considered as an admission of the right of the person in whose name they may be registered, to the property in the soil, or of his title to hold the lands exempt from the payment of revenue. Any person will be at liberty to sue him in the *dewanny adawlut* for the former, and he will be liable to be sued for the recovery of the latter, by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the lands are liable to the payment of revenue.

Collectors to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscription on the back of the register.

Book to be paged, and each page to be attested by the judge of the *zillah*.

Judge to specify the number of pages in the book on the last leaf.

XXIX. Upon the expiration of the period for registering the grants in each *zillah*, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it: "Periodical register formed under Regulation XIX. 1793, of lands held exempt from the payment of revenue, under grants not *badshahee* or royal, made previous to the 1st December 1790, in the zillah of ——, at the commencement of the year —— Bengal (Fusilly or Willaity) era, corresponding with the year of our Lord ——. Number ——." Each leaf of the book shall be paged, and be signed by the judge of the *dewanny adawlut* of the *zillah*, and on the last leaf of the book, he is to note in his own handwriting, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

Second periodical register to commence with the year 1207, to be numbered two, and the subsequent registers in their order.

XXX. The second periodical register is to commence with the year 1207 of the era current in each province. This register is to be numbered two, and the periodical registers to be prepared at the commencement of every subsequent five years, in the order in which they may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXXI. The keepers of the native records are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the *zillah*, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXXII. The counterpart registers in Bengal and Orissa, are to be kept in the Bengal and Persian languages; and in Behar, in the Persian language and the Hindoostanee language and Nagree character.

Manner in which resumptions and other occurrences regarding exempted lands in the intervals between the forming of the periodical registers are to be recorded.

XXXIII. For the purpose of recording all resumptions, or other occurrences respecting the lands which form the subject of this regulation, that may take place during the interval of the five years, between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated, "The register of intermediate resumptions, or other occurrences respecting grants of exempted land not *badshahee*," and shall have the following inscription on the back, "Register formed under Regulation XIX. 1793, of intermediate resumptions, or other occurrences respecting lands held exempt from the payment of revenue, under grants not *badshahee* or royal, made previous to the 1st December 1790, in the *zillah* of ——, between the commencement of the year ——, and the end of the year ——, Bengal (Fusilly, or Willaity) era." Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the *zillah* is to sign each leaf of it, and on the last leaf, note in his own handwriting, the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in Section 25, which the Governor General in Council may order to be admitted upon the register under Section 26; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land now subject to the payment of revenue, which the Governor General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from or annexed to the jurisdiction of the *zillah*, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to Government, in the cases specified in Section 21, in which entries are directed to be made in that register.

Documents respecting exempted lands to be furnished by collectors of *zillahs* from which separations may be made.

XXXIV. When *mohauls* are ordered to be separated from one *zillah* and annexed to another, the collector of the *zillah* from which the separation is to take place, is to transmit to the collector of the *zillah* to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the lands held exempt from the payment of revenue in such *mohauls*; and also of any entries respecting them in the register of intermediate resumptions which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXXV. Upon the arrival of the period when the separation is to be carried into effect, the collector of the *zillah* from which the separation may be directed to be made, is to transmit to the judge of the *dewanny adawlut* of his *zillah*, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register, and register of intermediate resumptions, which may relate to the grants to be separated from his *zillah*; and the collector to whose *zillah* the annexation may be made, is to transmit copies of the abovemention entries (with which he is directed to be furnished in the preceding section) to the judge of the *zillah*, and to the provincial court of appeal of the division in which it may be included. Immediately upon the receipt of these papers, the courts from the jurisdiction of which the separations may be made, are to transmit the papers in the causes depending before them, which, in consequence of the separation, may become cognizable in any other provincial court of appeal, or *zillah* court, to such court, and to cause notification thereof to be communicated to the parties in writing.

XXXVI. The collectors are to attest all entries in the register of intermediate resumptions with their official signatures, and they are strictly enjoined never to allow the register of intermediate resumptions to fall in arrear, but to make the necessary entries immediately upon any resumptions, or other occurrences taking place.

Collectors enjoined never to allow the register of intermediate resumptions to fall in arrear.

XXXVII. A counterpart of the register of intermediate resumptions, is to be kept by the keepers of the native records in the same form as the English register, and in a book, the leaves of which are in like manner to be paged and attested by the judge of the *dewanny adawlut* of the *zillah*.

Counterpart of the English register of intermediate resumptions to be kept by the keepers of the native records.

XXXVIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the *zillah*, as directed in Section 29, if it shall be discovered that the entries respecting any land are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the periodical register, the number of the page in the register of intermediate resumptions in which the errors or omissions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions are to be noted in a similar manner.

How errors in the fair copy of the periodical register, and in the register of intermediate resumptions are to be corrected.

XXXIX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions in the country languages shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate resumptions in the native languages.

XL. If the proprietary right in any grant of exempted land, shall be under litigation in a court of justice, at the time of forming the first, or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Persons in possession of disputed grants to be registered as the proprietors.

XLI. If a collector shall have occasion to require from the holder of a grant, any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper on a consideration of his situation and circumstances in life and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board, that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collectors in the several *zillahs* with such records or information as they may possess regarding the exempted lands in their respective *zillahs*, as well to assist them in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands, now held exempt from the payment of revenue, are liable to the payment of revenue under this regulation.

Holders of grants liable to be fined, for omitting to furnish any information that may be required by the collectors for preparing the registers.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective zillahs.

XLII. The collectors of the several *zillahs* are to transmit as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the *zillah*, in the same manner as the original register, as directed in Section 29; and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, and Willaity year, (according to the era current in their respective districts,) an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months. * *The collector of each zillah is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judge of the* dewanny

To whom the collectors are to send copies of each periodical register, and of the quarterly entries in the register of intermediate resumptions.

* Rescinded by Section 15, Regulation VIII. 1800.

adawlut *of the* zillah, *and to the provincial court of appeal in the jurisdiction of which the* zillah *may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers of each* zillah, *and of the quarterly entries in the registers of intermediate resumptions, as soon as they may receive them from the collectors.*

Courts, the Board of Revenue, and the collectors, to be careful to preserve the old periodical registers and registers of intermediate resumptions.

XLIII. The courts of judicature, the Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

From what materials the periodical register commencing with 1207, and subsequent registers are to be formed.

XLIV. The periodical register which is to be formed in each of the *zillahs* in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another *zillah*, and with the addition of any such grants of land that may have been annexed to the *zillah*, or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor General in Council under Section 26. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XLV. If it shall be proved to the satisfaction of the judge of the *dewanny adawlut* of any *zillah*, that a native officer of a collector, or of an assistant to a collector, shall have received, directly or indirectly, any sum of money, or effects, or other property, from any person for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependants of a collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XLVI. If any native servant, or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of *dewanny adawlut*, of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property; and the collector, or assistant, is to discharge such servant, and never to employ him in his public or private capacity.

Rules respecting life grants applicable to grants for a term.

XLVII. All the rules in this regulation respecting lands now held, or that may be claimed to be held, exempt from the payment of revenue, under life grants made previous to the date of the Company's accession to the *dewanny*, are to be considered equally applicable to grants made previous to that date for a term only.

Grants made or confirmed by the late superintendents of the *baxee-zemin dufter* in Bengal, not to be annulled by this regulation.

XLVIII. No part of this regulation is to be considered to annul any grants for holding land exempt from the payment of revenue, made or confirmed by the late superintendents of the *baxee-zemin dufter* in Bengal, in virtue of the powers vested in them.

Regulation not to be considered to extend to *badshahee* grants.

XLIX. Nor to extend to *jaghire*, *altumgah*, *muddud-maash*, *ayma*, or other grants of land termed *badshahee*, or royal, and held, or stated to be held, under a royal *furmaun*. The rules applicable to such grants are contained in Regulation XXXVII. 1793.

A. D. 1793. REGULATION XXXVII.

A REGULATION *for re-enacting with Modifications, the Rules passed on the 23d April* 1788, *and subsequent dates, for trying the Validity of the Titles of Persons holding, or claiming a right to hold, Altumgah, Jaghire, and other Lands, exempt from the Payment of public Revenue, under Grants termed Badshahee or Royal, and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands, the Grants for which may expire, or be adjudged invalid.*—PASSED *by the Governor General in Council on the 1st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every *beegah* of land, unless it transfers its right thereto for a term, or in perpetuity. As a necessary consequence of this law, every grant or alienation of Government's proportion of the produce of lands without its sanction, was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native Government, grants were occasionally made of the Government's share of the produce of lands for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government continued to the grantees or their heirs, such of these grants as were hereditary, and were made before the date of the Company's accession to the *dewanny*, provided the grantees or their heirs had obtained possession previous to that date; but those grants which were for life only, have been invariably considered as resumable on the death of the grantees. No complete register of these grants having been formed on the Company's accession to the *dewanny*, nor subsequent to that period, many persons have retained possession of lands under fabricated or antedated grants, or have succeeded to life grants on the demise of the original grantee, or former possessor, without the sanction of Government. The Governor General in Council, deeming it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands the grants for which might expire, and as the proprietors of estates were not entitled to collect such of the public dues from the lands included in their estates, as Government had judged it advisable to transfer to individuals, or to resume those which had been alienated or were appropriated without authority, the amount of the revenue of the lands having in both cases been excluded from the assets on which the settlement was to be concluded, it was made a rule at the time of forming the decennial settlement, and which has been re-enacted by Section 34, Regulation VIII. 1793, that the *jumma* assessed upon the estates of individuals, was to be considered "as exclusive and independent of all existing *lakheraje* lands, whether exempted from the *kheraje* or public revenue, with or without due authority;" and by the third clause of the seventh article of the proclamation contained in Regulation I. 1793, which specifies the conditions under which Government de-

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clared the decennial settlement permanent, it is expressly stipulated, "that the Governor General in Council will impose such assessment as he may deem equitable on all lands at present alienated and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles." The Governor General in Council, however, at the same time that he is desirous of recovering the public dues from lands held under invalid tenures, is equally solicitous that persons holding lands under grants that are declared valid, should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice, or extortion, in the enquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants, (provided the grantees or persons in possession register their grants as required in this regulation,) shall be tried in the courts of judicature, that no such grants may be resumed until the title of the grantee or present possessor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government, and further, that Government and its officers may at all times have in their possession a correct register of the lands in the several *zillahs*, held exempt from the payment of revenue under *badshahee* grants, the following rules, containing the rules passed on the 23d April 1788, and subsequent dates, with modifications, have been enacted.

Badshahee grants made previous to the 12th August 1765, declared valid, provided the grantee obtained possession before that date, and has since held possession.

Grants made before the the *dewanny* of no validity. If possession was not obtained prior thereto, or the grant has since been resumed by authority.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have resumed *badshahee* grants of land made before the *dewanny*.

II. *Altumgah*, *jaghire*, *ayma*, *muddudmaush*, or other *badshahee* grants, for holding land exempt from the payment of revenue, made previous to the 12th August 1765, the date of the Company's accession to the *dewanny*, shall be deemed valid, provided the grantee, actually and *bonâ fide*, obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of Government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 12th August 1765, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of Government, the grant shall not be deemed valid.

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a *badshahee* grant made previous to the date of the Company's accession to the *dewanny*, and on it being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to resume the grant and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant; and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any *zillah* or city court, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent authority within the twelve years, and proceeded in it, as required by Section 14, Regulation III. 1793.

Claims to hold exempt from revenue under *badshahee* grants lands that have paid revenue for twelve years, not to be heard.

Exception.

Third. But no part of the two preceding clauses, is to be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold land paying revenue to Government, exempt from the payment of revenue, under a *jaghire* or other grant made previous to the Company's accession to the *dewanny*, where the grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Persons not being the original grantees, not to be entitled to hold exempt from the payment of revenue.

Fourth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a *jaghire*, or other *badshahee* life grant, made previous to the *dewanny*, to succeed to, and hold such land exempt from the payment of revenue upon the

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to

demise of the present possessor, where the grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant it shall be proved to be a life tenure only, according to the ancient usages of the country.

the *dewanny* to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Fifth. The present possessors of lands now exempt from the payment of revenue under such *jaghire* or other life grants made previous to the *dewanny*, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives, and all such transfers and mortgages which have been or may be made, are declared illegal and void.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

III. *First.* All *badshahee* grants for holding land exempt from the payment of revenue, which may have been made since the 12th August 1765, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

All grants made or confirmed since the *dewanny*, excepting by the authority of Government, or its officers duly empowered, declared invalid.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

IV. It is to be understood that this regulation respects only the Government proportion of the revenue arising from lands held or claimed to be held under *badshahee* grants, and whether Government is entitled to resume or retain such revenue or otherwise. Every dispute or claim regarding the *zemindaree* or proprietary right in lands included in any grant, is to be considered as a matter of a private nature between the contending parties, and is to be determined in the *dewanny adawlut*.

Questions regarding the proprietary right in lands included in grants, to be determined in the dewanny adawlut.

V. When a *jaghire* or other life grant shall escheat to Government, the collector is immediately to attach the revenue of the lands, and report the circumstance to the Board of Revenue, who are to obtain the orders of the Governor General in Council, regarding the resumption of the grant.

Collectors to attach the revenue of lands in escheated grants.

VI. When any *badshahee* grant shall be resumed, or expire, or escheat to Government, the revenue to be paid to Government from the lands included in it shall be assessed and the settlement made in perpetuity, agreeably to the rules for the decennial settlement contained in Regulation VIII. 1793, with the person possessing the *zemindaree* or proprietary right in the lands, whoever he may be. If the proprietor shall refuse to pay the *jumma* demanded of him, the lands shall be held *khas*, or let in farm, as directed in that regulation.

Lands included in resumed grants to be assessed, and the revenue to be paid by the proprietor, according to the regulations for the decennial settlement.

VII. It is to be the duty of the collectors, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section 9, to prosecute in the court of* dewanny adawlut *on behalf of Government, for the resumption of grants that are declared invalid by this regulation, and no lapse of time shall be considered as a bar to the resumption of such grants.*

Collectors to prosecute for the resumption of grants which are declared invalid.

No lapse of time to be a bar to the resumption of grants.

VIII. The collectors shall receive a commission of twenty-five per cent. on the amount of the jumma *which may be assessed in perpetuity, on the land contained in grants which may be resumed in consequence of suits which may be prosecuted by them to a final judgment. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office of collector of the* zillah *in which the lands may be situated, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the collectors who may prosecute the suit to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the com-*

Commission of twenty-five per cent. to be received by collectors on the permanent jumma *of lands included in grants resumed in consequence of suits prosecuted by them to a final decision.*

Collectors instituting suits but not prosecuting them to final judgment, not to receive commission, excepting in the cases herein specified.

Sect. 7. to 9. rescinded by Clause 2, Sect. 2, Regulation II. 1819.

mission to the collectors by whom the suits may have been instituted, or to collectors who may have succeeded the collectors who instituted the suits, and preceded the collectors by whom they may have been prosecuted to a final decision.

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid grant.

Boards, if they see grounds, empowered to order the collector to sue for the resumption of the grant,

may require the person in possession to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition;

and levy the amount in the same manner as arrears of revenue;

and attach the lands upon his not complying with the second requisition.

Grantees denying that they have any writings, not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the grantees their title deeds, or instituting a suit against them without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the collectors.

IX. When a collector shall have reason to believe that land is held by any person exempt from the payment of revenue, under a grant that is declared invalid by this regulation, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the grant is invalid, are empowered to order the collector to institute a suit for the resumption of it. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the collector to demand from the grantee or person in possession, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody by a time to be limited in the requisition, all the writings in virtue of which he may possess the lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the grantee or possessor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the grantee or possessor, as they may judge proper upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the grantee or person in possession, shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the grantee, or person in possession, shall produce the writings, or the grant shall be adjudged invalid. If the grantee, or person in possession, shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing, and in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced shall not be received by the court in evidence, nor shall they be allowed to have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding lands under any grant to produce his title deeds or writings, (excepting for the registry of them by the publication specified in Section 20,) or to institute a suit for the resumption of the grant, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the collectors, to order suits to be instituted for the resumption of grants, which they may have ground to believe are invalid.

Persons claiming to hold lands paying revenue, exempt from revenue under badshahee grants, to sue Government.

Collector to defend the suit.

Vakeel of Government to defend or prosecute suits instituted against, or by Government.

Rules to be observed by the collector in the event of Government being cast wholly, or in part.

X. Any person having a claim to hold lands paying revenue, exempt from the payment of revenue under a *badshahee* grant, must institute his claim against Government, who alone can be the defendant in such suits, in the *dewanny adawlut* of the *zillah*, in the same manner as in cases where individuals may claim a right to hold lands paying revenue, exempt from the payment of revenue under grants not of the description of those termed *badshahee*, in virtue of Regulation XIX. 1793. The collectors of the revenue are to defend all such suits as may be instituted against Government, and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended or prosecuted by the *vakeel* of Government, under the instructions of the collector; and in the event of Government being cast, either wholly or in part, or, if the collector shall be dissatisfied with the decree in any respect, all the rules contained in section 30, Regulation XIV. 1793, and the other sections in that regulation, respecting decisions given against a collector in any *zillah* court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expence of Government, and in the event of the Board of

Revenue not deeming it proper to order an appeal from the decision of the *zillah* court to be preferred to the provincial court of appeal, or from the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal, to the Governor General in Council, who will direct the cause to be appealed or not in either case as may appear to him proper.

Courts to award adequate costs and damages in cases of prosecutions being instituted on insufficient grounds, under this regulation.

XI. If a suit shall be brought before a court of judicature by a collector on the part of Government for the resumption of a grant, or by any individual against Government, to hold exempt from the payment of revenue under a grant, lands paying revenue to Government, and it shall appear to the court that the suit was instituted upon insufficient grounds, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable upon a consideration of the circumstances of the case.*

Grants forged or altered in any respect, or antedated, declared void.

XII. If it shall appear to any court of judicature during the course of a trial, that a grant has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination, or the terms of the tenure in the original grant, have been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void.

Persons concerned in the frauds liable to a criminal prosecution.

XIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case) to take his trial before the court of circuit.

Proprietors of land included in resumed grants, to pay the jumma from the date of the first decision, adjudging the land not exempted.

XIV†. Where a grant may be adjudged invalid, and the lands shall be subjected to the payment of revenue, the former holder of the grant shall not be required to refund any part of the collections which he may have made from the lands previous to the date of the first decree adjudging the lands subject to the payment of revenue, whether it be given in the zillah *court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall be responsible for the collections from the lands, from the date of such first decree, adjudging the land subject to the payment of revenue.*

Cases in and rules under which certain grants are to be transferrible.

XV. *Altumgah, ayma,* and *muddudmaash* grants, are to be considered as hereditary tenures. These and other grants, which from the terms or nature of them may be hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation. *Jaghires* are to be considered as life tenures only, and with all other life tenures, are to expire with the life of the grantee, unless otherwise expressed in the grant.

Jaghires to be considered as life tenures, unless the grant shall express otherwise.

Record of lands included in grants that may become liable to the payment of revenue.

XVI. *First.* When any grant shall be adjudged invalid, or shall expire, or escheat to Government, the name or names of the *mohauls* and villages, or lands, included in the grant, and the measurement thereof, the *pergunnah* in which the lands may be situated, the amount of the public revenue assessed thereon, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by Section 28, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by Section

* This Section is rescinded by Clause 2. Sect. 2. Regulation II. 1810.
† This Section is rescinded by Clause 2. Sect. 2. Regulation II. 1810.

17, in which the lands may stand recorded; and in the periodical register, he is to specify in red ink the number of the page in the register of intermediate resumptions and occurrences in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions and occurrences, are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section 16, Regulation XLVIII. 1793, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the abovementioned regulation. The collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register, and the register of intermediate resumptions and occurrences, the number of the page in the register of intermediate mutations, in which the above required entries may be made; and he is also to specify in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions and occurrences, in which such entries respecting the land may be inserted.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged or become exempt from the payment of revenue, where to be made.

Second. When land now subject to the payment of revenue, shall be finally adjudged on the claim of any individual, to be exempted from the payment of revenue under any grant, or when the Governor General in Council shall make any new grant, the name or names of the *mohauls*, villages, or lands, which may be so adjudged exempted, or granted, the measurement thereof, the *pergunnah* in which they may be situated, the name or names of the grantee, the amount of the revenue before assessed thereon, and a copy of the decree or grant, are to be entered in the register of intermediate mutations, directed to be kept by Regulation XLVIII. 1793; and the collector is to insert in red ink, opposite to such entry, the number of the page in the last formed quinquennial register, in which such *mohauls*, villages, or lands may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed; and also the number of the page in the register of intermediate resumptions and occurrences, directed to be kept by this regulation, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of grants that may be next formed; and the collector shall insert in red ink, opposite to such entries, the number of the page in the register of intermediate mutations, from which they may have been taken.

Register of *badshahee* grants to be prepared every five years.

Contents of the register.

XVII. That Government and its officers, may have in their possession at all future periods, a complete register of all the lands in the provinces held exempt from the payment of revenue under *badshahee* grants, a register of all such grants shall be formed every five years in each *zillah*. The register is to specify the denomination of each grant, whether *altumgah*, *jaghire*, or other tenure; the name of the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship should exist, and in virtue of what right he succeeded to the grant: the date of the grant, the names of the *mohauls* and *villages* or lands comprised in the grant, or in which the grant may be situated, the person or persons possessing the *zemindaree* or proprietary right in the lands, the measurement in *beeghas* of the *mohauls* and villages or lands included in the grant, and the name of the *pergunnah*, *sircar*, and *soobah*, in which the land granted may be situated. The register shall be denominated the "periodical register of lands held exempt from the payment of revenue under *badshahee* grants."

Denomination of the register.

Board of Revenue to prepare a form for the periodical register. Collectors to adhere to the form.

XVIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collectors, who are strictly enjoined to adhere to it.

Holders of grants allowed one year to register them from the time specified in the following section.

XIX. All persons actually holding lands exempt from the payment of the public revenue, under *badshahee* grants, and whether made or confirmed by the Government of the country for the time being, or by whatever authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue of the *zillah* in which the lands may be situated.

Publication to be made requiring all persons to register their grants.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each *zillah* in which any *jaghire*, *altumgah*, *ayma*, or *mudduadmaush*, or other lands held under *sunnuds* or grants, termed *badshahee*, may be

 situated,

situated, upon the receipt of this regulation, is to cause the following publication, which shall be written in the Bengal and Persian languages, in Bengal and Orissa, and in the Persian language, and the Hindoostanee language and Nagree character, in Behar, and attested with their official seals and signatures, to be fixed up in the principal *cutcherree* of the holders of grants of the description of those specified in this regulation, and take a receipt from the holder of such grant, or the person entrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it.

Publication.

"In conformity to Regulation XXXVII. 1793, every person being actually in possession of *altumgah*, *jaghire*, *ayma*, *muddudmaush*, or other land, now exempt from the payment of revenue, and held under *badshahee* grants, in the *zillah* of ———, whether made or confirmed by the Government of the country for the time being, or by whatever authority, are required to register the following particulars respecting such grants in the office of the collector of the *zillah*, before the expiration of one year from the date of this publication. If any holders of such grants, who shall not register their grants either in person, or by a *vakeel* with a *vakalutnamah*, attested by two credible witnesses, and given for the express purpose of registering the grants, the grants will be considered liable to resumption, and the lands chargeable with revenue, in the same manner as other lands subject to the payment of revenue. Persons having claims only to hold land exempt from the payment of revenue under such grants, but who do not now hold the lands exempted, are not to register the lands so claimed by them.

Denomination of the grant, whether *altumgah*, *jaghire*, or other tenure.

By whom granted.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the grant.

The name or names of the *mohauls* or villages, or lands, comprised in the grant, or in which the land may be situated.

The names of the *zemindar* or other proprietor of the *mohauls* or villages, or lands included in the grant, whether such *zemindaree* or proprietary right, shall be vested in the grantee, or any other person.

The measurement of each *mohaul* or village, or the land included in the grant.

The *pergunnah* or *pergunnahs* in which the lands may be situated.

A copy of the original grant, and other writings under which the land may be held."

Grants not registered within the prescribed time declared liable to resumption, unless the Governor General in Council shall admit them upon the register.

XXI. If any person in possession of any such grant that may be now in force, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the grant shall by such omission become subject to resumption, and the lands shall become liable to the payment of revenue to Government. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor showing good and sufficient cause to his satisfaction for not having registered it within the limited period; and the Board of Revenue are to report to the Governor General in Council, every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered forfeited.

XXII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared forfeited, and the lands shall be assessed with revenue agreeably to the rules prescribed for the decennial settlement.

Registry of grants not to be considered as an admission of the possessor's proprietary right in the soil, nor of the validity of the grants.

XXIII. It is expressly declared, however, that the registry of a grant under this regulation, is not to be considered as an admission of the right of the person in whose name it may be registered, to the property in the soil, nor of the validity of his grant. Any person will be at liberty to sue in the *dewanny adawlut* for the former, and he will be liable to be sued for the resumption of the grant by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board, that the grant is invalid.

Collector to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscriptions on the back of the register.

XXIV. Upon the expiration of the period for registering the grants in each *zillah*, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it. "Periodical register formed under Regulation XXXVII. 1793, of *altumgah*, *jaghire*, and other lands held exempt from the payment of revenue under *badshahee* grants, in the *zillah* of ——— at the commencement of the year ——— Bengal (Fussily or Willaity) era, corresponding with the year ——— of the Christian era. Number———." Each leaf of the book shall be paged, and be signed by the judge of the *dewanny adawlut* of the *zillah*; and on the last leaf of the book, he is to note in his own handwriting, the number of pages in the book, and subscribe the note with his signature: and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

Book to be paged, and each page to be attested by the judge of the *zillah*.

Judge to specify the number of pages in the book on the last leaf.

Second periodical register to commence with the year 1207, to be numbered two, and the subsequent registers in their order.

XXV. The second periodical register, is to commence with the year 1207 of the era current in each province. This register is to be numbered two, and the periodical register to be prepared at the commencement of every subsequent five years, in the order in which it may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXVI. The keepers of the native records, are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the *zillah* in the same manner as the books containing the English registers; and no other counterparts of the registers of grants shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXVII. The counterpart registers in Bengal and Orissa, are to be kept in the *Bengal and* Persian languages; and in Behar, in the Persian language*, *and the Hindoostanee language and Nagree character.*

Manner in which resumptions and other occurrences regarding grants in the intervals between the forming of the periodical registers are to be recorded.

XXVIII. For the purpose of recording all resumptions, or new grants, or other occurrences respecting the grants which form the subject of this regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "the register of intermediate resumptions, or other occurrences, respecting *altumgah*, *jaghire*, or other *badshahee* grants," and shall have the following inscription on the back, "register formed under Regulation XXXVII. 1793, of intermediate resumptions or other occurrences respecting *altumgah*, *jaghire* or other lands, held exempt from the payment of revenue under *badshahee* grants in the *zillah* of ———, between the commencement of the year ———, and the end of the year ———, Bengal (Fussily or Willaity) era." Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the *zillah*, is to sign each leaf of it, and on the last leaf, note in his own handwriting the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in Section 20, which the Governor General in Council may order to be admitted upon the register under Section 21, all grants of land that may be adjudged or become liable to the payment of revenue, all lands now paying revenue which may be adjudged to be held exempt from the payment of revenue by any individuals under any grant, all new grants that may be made by the Governor General in Council, and all exempted lands held under such grants which may be separated from or annexed to the jurisdiction of the *zillah*, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate occurrences in the cases specified in Section 16, in which entries are directed to be made in that register.

Documents respecting grants to be furnished by collectors of *zillahs* from which separations may be made.

XXIX. When *mohauls* are ordered to be separated from one *zillah*, and annexed to another, the collector of the *zillah* from which the separation is to take place, is to transmit

* The provisions of this section, as far as they regard the words in Italics, are rescinded by Sect. 15. Reg. VIII. 1800.

to the collector of the *zillah* to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the *badshahee* grants in such *mohauls*, and also of any entries respecting them in the register of intermediate occurrences which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the collector of the *zillah* from which the separation may be directed to be made, is to transmit to the judge of the *dewanny adawlut* of his *zillah*, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register, and register of intermediate occurrences, which may relate to the grants to be separated from his *zillah*; and the collector to whose *zillah* the annexation may be made, is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding Section) to the judge of the *zillah*, and to the provincial court of appeal of the division in which the lands may be included. Immediately on the receipt of these papers, the courts from the jurisdiction of which the separation may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation, may become cognizable in any other provincial court of appeal, or *zillah* court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collectors enjoined never to allow the register of intermediate occurrences to fall in arrear.

XXXI. The collectors are to attest all entries in the register of intermediate resumptions and occurrences with their official signatures, and they are strictly enjoined never to allow that register to fall in arrear, but to make the necessary entries immediately upon any resumptions, or other occurrences taking place.

Counterpart of the English register of intermediate occurrences to be kept by the keepers of the native records.

XXXII. A counterpart of the register of intermediate resumptions and occurrences, is to be kept by the keepers of the native records in the same form as the English register, and in a book, the leaves of which are in like manner to be paged and attested by the judge of the *dewanny adawlut* of the *zillah*.

How errors in the fair copy of the periodical register, and in the register of intermediate occurrences are to be corrected.

XXXIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the *zillah*, as directed in Section 24, if it shall be discovered that the entries respecting any grant are erroneous, or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions and occurrences, and to attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entries in the periodical register, the number of the page in the register of intermediate resumptions and occurrences in which the errors or omissions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions and occurrences are to be noted in a similar manner.

Similar rule with regard to errors in counterparts of the periodical register, and register of intermediate occurrences in the native languages.

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions and occurrences in the country languages, shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Persons in possession of the proprietary right in the lands, to be registered as the proprietors.

XXXV. If the proprietary right in any land included in a *badshahee* grant, shall be under litigation in a court of justice, at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

XXXVI. If a collector shall have occasion to require from the holder of a grant, any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions and occurrences, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person, whatever daily fine may appear to them proper on a consideration of his situation and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board, that it was not in his power to furnish it.

The

The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collectors in the several *zillahs* with such records or information as they may possess regarding the exempted lands in their respective *zillahs*, as well to assist them in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands now held exempt from the payment of revenue under grants, are liable to the payment of revenue according to this regulation.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective *zillahs*.

XXXVII. The collectors of the several *zillahs* are to transmit to the Board of Revenue, as early as may be practicable, an attested copy of the perodical registers both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the *zillah* in the same manner as the original register, as directed in Section 24, and within one month after the expiration of the third, sixth, ninth, and twelfth month of the Bengal, Fussily, and Willaity year, (according to the era current in their respective districts,) an attested copy of the entries in the register of intermediate resumptions and occurrences that may have taken place during the three preceding months. * *The collector of each* zillah *is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judge of the* dewanny adawlut *of the* zillah, *and to the provincial court of appeal, in the jurisdiction of which the* zillah *may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers of each* zillah, *and of the quarterly entries in the registers of intermediate resumptions and occurrences, as soon as they may receive them from the collectors.*

To whom the collectors are to send copies of each periodical register and of the quarterly entries in the register of intermediate occurrences.

XXXVIII. The courts of judicature, the Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions and occurrences, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

Courts, the Board of Revenue, and the collectors to be careful to preserve the periodical registers and registers of intermediate resumptions.

XXXIX. The periodical register which is to be formed in each of the *zillahs* in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another *zillah*, and with the addition of any grants of land that may have been annexed to the *zillah*, or that may have been admitted upon the register by the Governor General in Council under Section 21, also new grants made by the Governor General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a *badshahee* grant, by a final decree of a court of judicature in a suit instituted under this regulation. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XL. If it shall be proved to the satisfaction of the judge of the *dewanny adawlut* of any *zillah*, that a native officer of a collector, or of an assistant to a collector, shall have received directly or indirectly, any sum of money, or effects or other property, from any person for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for native officers receiving money or property on account of the registry of grants.

XLI. If any native servant or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of *dewanny adawlut*, of the

Penalty for private servants or dependants of a collector, or of an assistant to a collector, convicted of

* The letter part of this section printed in Italic, is rescinded by Section 16. Regulation VIII. 1809.

offence

offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property; and the collector, or assistant, is to discharge such servant, and never to employ him in his public or private capacity.

the offence specified in the preceding section.

XLII. No part of this regulation is to be considered to extend to lands held, or stated to be held, exempt from the payment of public revenue under grants not being of the description of those termed *badshahee* or royal. The rules applicable to such grants are contained in Regulation XIX. 1793.

Regulation not to be considered to extend to grants not *badshahee*.

A. D. 1795. REGULATION XLI.

A REGULATION *prescribing Rules for trying the Validity of the Titles of Persons holding, or claiming a right to hold, Lands exempted from the Payment of Revenue to Government in the Province of Benares, under Grants not being of the Description of those termed Badshahee or Royal, nor made by the supreme Power for the time being; and for determining the Amount of the annual Assessment to be imposed on lands so held, which may be adjudged or become liable to the Payment of public Revenue.*—PASSED *by the Governor General in Council, on the* 31*st July* 1795; *corresponding with the* 18*th Sawun* 1202 *Bengal era; the* 29*th Sawun* 1202 *Fussily; the* 18*th Sawun* 1202 *Willaity; the* 29*th Sawun* 1852 *Sumbut; and the* 13*th Mohurrum* 1210 *Higeree.*

Preamble.

BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every *beeghe* of land, (demandable in money or kind according to local custom,) unless it transfers its right thereto for a term or in perpetuity, or limits the public demand upon the whole of the lands belonging to an individual, leaving him to appropriate to his own use, the difference between the value of such proportion of the produce, and the sum payable to the public, whilst he continues to discharge the latter. As a necessary consequence of this law, if a *zemindar* made a grant of any part of his lands to be held exempt from the payment of revenue, it was considered void, from being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Numerous grants, however, of this description have been made, not only by the *zemindars*, but by *aumils*, and other officers of Government, appointed to the temporary superintendence of the collection of the revenue, under the pretext that the produce of the lands was to be applied to religious or charitable uses. Of these grants, some were applied to the purposes for which they were professed to have been made, but in general, they were given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the grantor, or sold to supply his private exigencies. In conformity to the principles which prevailed under the native administration, the British Government have at various times declared all grants for holding land exempt from the payment of revenue made since the 1st July 1775, (the date of the final cession of the province of Benares to the Company,) without their sanction, illegal and void; and the Governor General in Council deems it incumbent on him to recover the public dues thus alienated in opposition to the ancient, and existing laws of the country, as also to resume the revenue of all lands the grants for which have expired, the proprietors of estates not being entitled to collect such of the public dues from the lands included in their estates, as Government may have judged it advisable to transfer to individuals, or to resume those which have been alienated by themselves or others, the amount in both cases being excluded from the assets on which the permanent settlement has been formed. The Governor General in Council, however, at the same time that he is desirous of recovering the public dues from lands

which have been illegally alienated, is equally solicitous that persons holding such grants under titles that are declared valid, should be secured in the possession and enjoyment of their property. It is likewise his wish, that the recovery of the dues of Government from those lands which have been illegally alienated previous to the commencement of the Fussily year 1196, should be attended with as little distress as possible to the possessors; and to obviate all injustice, or extortion, in the enquiry into the titles of persons holding exempted lands, he has further resolved that the claims of the public on their lands, (provided they register the grants as required in this regulation,) shall be tried in the courts of judicature, that no such exempted lands may be subjected to the payment of revenue, until the titles of the proprietors shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the recovery of the public dues from lands held exempted under invalid grants, as well as to prevent any similar alienations being hereafter made, to the prejudice of the security of the public revenue which has been assessed in perpetuity upon the estates of individuals; and further that Government, and the officers employed in the collection of the public revenue, may at all times have in their possession a correct register of the lands in the province of Benares held exempt from the payment of revenue; the following rules have been enacted.

Grants of alienated land made previous to the 1st July 1775, declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

Grants made before the 1st July 1775 of no validity, if possession was not obtained prior thereto, or the lands have been since subjected to the payment of revenue.

Courts to refer to the Governor-General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have subjected exempted land granted before the 1st July 1775, to the payment of revenue.

II. *First.* All grants for holding land exempt from the payment of revenue, made previous to the 1st July 1775, the date of the cession of the province of Benares to the Company, by whatever authority, and whether by a writing, or without a writing, shall be deemed valid, provided the grantee actually and *bonâ fide* obtained possession of the land so granted previous to the date above mentioned, and the land shall not have been subsequently rendered subject to the payment of revenue by the officers or the orders of Government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 1st July 1775, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government, the grant shall not be deemed valid.

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue under a grant made previous to the 1st July 1775, and of it being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto, by an officer of Government, and the court shall entertain doubts as to the competency of such officer under the powers vested in him, to subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to subject the land to the payment of revenue; and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by the city or any *zillah* court, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent jurisdiction within the twelve years, and proceeded in it, as required by Section 8, Regulation VII. 1795.

Claims to hold exempted from revenue, lands that have paid revenue for twelve years, not to be heard.

Exception.

No persons not being the original grantees, to be entitled to hold exempt from the payment of revenue, lands now subject to the payment of revenue under grants for life made previous to the last cession of Benares.

Third. But no part of the two preceding clauses, is to be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold exempt from the payment of revenue, land now subject to the payment of revenue, under a grant made previous to the cession of Benares to the Company, the writing for which may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant from the nature and denomination of it shall be proved to be a life tenure only, according to the ancient usages of the country.

The heirs of persons now possessing exempted lands under life grants made previous to the 1st July 1775, not entitled to hold such

Fourth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue under a grant made previous to the 1st July 1775, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for

the life of the grantee only, or, supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country. Nor to entitle the heir to any such person, to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise, unless it shall be proved to the satisfaction of the court, that the grant, from the nature and denomination of it, is hereditary, according to the ancient usages of the country. But upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the 1st July 1775, the lands shall not be subjected to the payment of revenue under the decree, without the sanction of the Governor General in Council, to whom a copy of the proceedings and decree of the court is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue or not, as may appear to him proper.

lands exempt from the payment of revenue upon the death of the present possessor.

Power reserved to the Governor General in Council, of determining whether life grants to which one or more successions, of whatever nature, may have taken place prior to the 1st July 1775, shall be subjected to the payment of revenue or not, on the death of the present possessor.

Fifth. The present possessors of lands now exempt from the payment of revenue, under such life grants made previous to the 1st of July 1775, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives, and all such transfers and mortgages are declared illegal and void. It is to be understood, however, that if any such life grants shall have been confirmed as hereditary tenures by Government, or by the officers of Government empowered so to confirm them, they are not to be liable to the payment of revenue on the death of the present possessor, and are to be excepted from the other rules contained in this and the preceding clause. If doubts shall arise in any court, as to the competency of the authority of any officer of Government to confirm any such life grant as hereditary, the court is to suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining finally, whether such officer possessed competent authority to confirm the grant as hereditary, or not; and the court, upon receiving the determination of the Governor General in Council, is to decide accordingly.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them, beyond their own lives.

Such life grants, if confirmed by Government, or its officers, not to be subject to the payment of revenue on the death of the present possessor.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 1st July 1775, and previous to the beginning of the Fussily year 1196, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

All grants made or confirmed since the 1st July 1775, excepting by the authority of Government, or its officers duly empowered, declared invalid.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

Third. The rule contained in clause first, is not to be considered to extend to authorize the subjecting to the payment of revenue, any land, the grants for which, whether for the life of the grantee, or otherwise, were made previous to the 1st of July 1775, where the quantity of land granted shall not exceed ten *beeghas*, and the produce of it is *bonâ fide* appropriated as an endowment on temples, or to the maintenance of *Brahmins*, or other religious or charitable purposes. The rule in this clause is declared to extend also to all grants of land whatever not exceeding ten *beeghas*, made previous to the above date, the produce of which may be now so appropriated.

Exception in favour of lands not exceeding ten beeghas granted before the dates herein specified, which are appropriated to religious or charitable purposes.

IV. This regulation, as far as regards lands alienated previous to the commencement of the Fussily year 1196, respects only the question whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previous to that date, and which in conformity to this regulation may become subject to the payment of revenue, is to be considered as a matter of a private nature to be determined

Questions regarding the proprietary right in lands alienated before the commencement of the Fussily year 1196, and adjudged liable to the payment of revenue, to be determined in

the *dewanny adawlut*; this regulation with respect to such lands relating only to the revenue.

termined by the courts of *dewanny adawlut*, in the event of any dispute or claim arising respecting it, between the grantee and the grantor, or their respective heirs or successors. The grantees, or the present possessors, until dispossessed by a decree of the *dewanny adawlut*, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates subject to the payment of revenue; and they are to execute engagements for the revenue with which their lands may be declared chargeable, either to Government, or to the proprietor, or farmer of the estate in which the lands may be situated, or to the officer of Government, (according as the revenue of the estate in which the land may be situated, may be payable by the proprietor, or a farmer, or collected *khas*,) under the rules for the permanent settlement. If by the decision of the *dewanny adawlut*, the proprietary right in the land shall be transferred, the person succeeding thereto, is in like manner to be responsible for the payment of the revenue assessed or chargeable thereon.

Benefits arising to the grantee or possessor by his being continued in possession of the land under the preceding section.

V. By continuing the proprietary right in the land to the grantee or possessor, as specified in the preceding section, instead of dispossessing him of the land altogether agreeably to former usage, and assessing the land in the mode prescribed in the two following sections, a liberal provision will be left to him. Where the grant may have been made subsequent to the 1st July 1795, and previous to the 31st August 1781, the proprietor will hold his land as an estate paying a fixed revenue of only half the amount assessed on other *malgusaree* lands in the country; and where the grant may have been made subsequent to the lastmentioned period, and previous to the commencement of the Fussily year 1196, he will hold the land subject to the payment of the same revenue as other lands assessed with revenue under the rules for the permanent settlement, as hereafter directed.

To whom the revenue assessable on lands not exceeding fifty beighas alienated before the Fussily year 1196, shall belong.

VI. The revenue assessable under Section 9, on land not exceeding fifty *beighas* of the measurement that may prevail in the *pergunnah* wherein it may be situated, and whether lying in one village, or two, or more villages, and that may have been alienated by any one grant made previous to the Fussily year 1196, and which may be adjudged or become liable to the payment of revenue, shall belong to the person or persons responsible for the discharge of the revenue of the estate or *putteedaree*, in which the land may be situated, notwithstanding any thing said in Section 5, Regulation XXVII. 1795, and he shall not be liable to the payment of any additional revenue on account of the assessment which may be chargeable on such lands, during the continuance of the engagements under which he may pay the revenue of such estate, or *putteedaree*, when the land may be so adjudged liable to the payment of revenue. If the estate or *putteedaree*, shall be held *amanee* or *khas*, when the lands are declared liable to the payment of revenue, the amount is to be collected by, and paid to, whomsoever the rents and revenue of the estate or *talook* may be payable, until a settlement shall be concluded for the revenue of it either with the proprietor or a farmer.

The revenue assessable on lands exceeding fifty beighas alienated prior to the Fussily year 1196, declared to belong to Government.

VII. The revenue assessable under Section 8, on land exceeding fifty *beighas* of the measurement that may prevail in the *pergunnah* wherein it may be situated, and whether lying in one village, or two or more villages, and alienated by any one grant made previous to the Fussily year 1196, and which may be adjudged or become liable to the payment of revenue, is declared to belong to Government, but is to be paid through the proprietor of the estate from which the alienation was originally made, under clause third, Section 14, Regulation II. 1795.

Rules for fixing the assessment on the lands specified in Section 7.

If the grant shall have been made previous to the 31st August 1781.

VIII. *First.* The amount of the revenue payable from the lands specified in Section 7, is to be adjusted according to the following rules:

Second. If the grant shall have been made previous to the 31st August 1781, the revenue to be paid to Government, shall be equal to one half of the annual produce of the land, calculating according to the rates at which other lands in the *pergunnah* of a similar description may be assessed. If any part of the land shall be uncultivated, the proprietor is to be required to bring it into cultivation, and to pay such *russud* or progressive increase, to be regulated with a reference to the reduced rate of the assessment on the cultivated land, as the Board of Revenue, with the sanction of the Governor General in Council, may deem reasonable. The produce of the land shall be ascertained by a survey and measurement, one

half of the expence attending which is to be defrayed by the proprietor, in the event of his agreeing to the *jumma* required of him, and the other moiety by Government; or by such other mode of investigation as the collector, with the sanction of the Board of Revenue, may judge advisable. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held *amaunee*. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he and his heirs and successors, shall hold the land at such fixed revenue, for ever.

If the grant shall have been made subsequent to the 31st August 1781.

Third. If the grant shall have been made subsequent to the 31st August 1781, the revenue or *jumma* to be paid to Government from the land, shall be assessed agreeably to the rules prescribed in Regulation V. 1795, for forming the settlement of estates paying revenue to Government; and the produce shall be ascertained, and the expence of the investigation defrayed, in the manner specified with regard to the lands in the preceding clause. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held *amaunee* or *khas*, under the rules for the decennial and quartennial settlements. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he and his heirs and successors, shall hold the land at such fixed revenue, for ever.

Rule for fixing the amount of the revenue on the lands specified in Section 6.

IX. The rules in the preceding section, are to be held applicable to the lands specified in Section 6, with this difference, that the proprietor, farmer, *putteedar*, or officer of Government, to whom the revenue may be payable, shall ascertain the produce of the land without subjecting the grantee to any expence, and submit the accounts of it to the collector, who shall fix the revenue to be paid from the lands in perpetuity, reporting the amount for the confirmation of the Board of Revenue, who are empowered, in cases in which it shall appear to them proper, to increase or reduce the amount. If the proprietor shall agree to pay the revenue required of him, he, and his heirs and successors, shall hold the lands as a dependant *putte-*, subject to the payment of such fixed revenue, for ever.

Grants made since the beginning of the Fussily year 1196, declared null and void.

X. All grants for holding land exempt from the payment of revenue, whether exceeding or under fifty *beeghas*, that have been made since the beginning of the Fussily year 1196, or that may be hereafter made, by any other authority than that of the Governor General in Council, are declared null and void, and no length of possession shall be hereafter considered to give validity to any such grant, either with regard to the property in the soil, or the rents of it. And every person who now possesses or may succeed to the proprietary right in any estate, or who now holds, or may hereafter hold any estate in farm of Government, or of the proprietor, or any other person, and every officer of Government appointed to make the collections from any estate or *talook* held *khas*, is authorized and required to collect the rents from such lands at the rates of the *pergunnah*, and to dispossess the grantee of the proprietary right in the land, and to reannex it to the estate or *talook* in which it may be situated, without making previous application to a court of judicature, or sending previous or subsequent notice of the dispossession or annexation to any office of Government; nor shall any such proprietor, farmer, or *putteedar* be liable to an increase of assessment on account of such grants which he may resume and annul, during the term of the engagements that he may be under for the payment of the revenue of such estate or *talook*, when the grant may be so resumed and annulled. The managers of joint undivided estates, are authorized and required to exercise on behalf of the proprietors, the powers vested in proprietors by this section.

Managers of estates to exercise on behalf of the proprietors, the powers vested in proprietors by this section.

How proprietors and farmers of land, &c. are to recover the revenue payable to them from the lands specified in Section 6.

To whom the right of suing for the revenue of lands specified in Section 6, is to belong, if the estate or *talook* be held *khas*.

XI. Proprietors or farmers of land, or *putteedars*, who may deem themselves entitled to the revenue of any land of the description of that specified in Section 6, situated in their respective estates, farms, or *talooks*, are to institute a suit for the recovery of it in the court of *dewanny adawlut*. Any proprietor or farmer of land, or *putteedar*, or other person, subjecting such lands to the payment of revenue without having previously obtained a judicial decree for that purpose, shall be liable to be sued for damages by the parties injured. Where estates or dependant *talooks* may be held *amaunee (khas)*, the right of suing for the recovery of the revenue from the lands specified in Section 6, is to be considered as vested in the party to whom the collections from the estate or *talook* may be payable. If the estate or *talook* be held *khas* by Government, the *tehsildar*, or other officer, is to sue for the revenue chargeable on such lands in the room of the proprietor, but under the directions of the collector.

Collectors to prosecute for the recovery of the dues from lands specified in Section 7.

XII. It is to be the duty of the collector, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section 14, to prosecute on behalf of Government, in the court of* dewanny adawlut, *in the jurisdiction of which such lands shall be situated, for the recovery of the public dues from the lands specified in Section 7, that are declared by this regulation subject to the payment of revenue; and no lapse of time shall be considered as a bar to the recovery of the public dues from such lands.*

No lapse of time to be a bar to the recovery of the public dues.

Commission of twenty five per cent. to be received by collectors on the permanent jumma *of lands, adjudged liable to the payment of revenue in consequence of suits prosecuted by them to a final decision.*

Collectors instituting suits but not prosecuting them to a final judgment, not to receive commission excepting in the cases herein specified.

XIII. The collector shall receive a commission of twenty-five per cent. on the amount of the jumma *which may be assessed in perpetuity, on land adjudged liable to the payment of revenue to Government, in consequence of suits which may be prosecuted by him to a final judgment. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office, shall not be entitled to any commission, in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the collector who may prosecute them to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the collector by whom the suits may have been instituted, or to the collector who may have succeeded the collector who instituted the suits, and preceded the collector by whom they may have been prosecuted to a final decision.*

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid tenure.

Board, if they see ground, empowered to order the collector to sue for the recovery of the public dues, and may require the proprietor to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition.

and levy the amount in the same manner as arrears of revenue,

and attach the lands upon his not complying with the second requisition.

Proprietors denying that they have any writings, not to be allowed to avoid themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the proprietor of a grant his title deeds, or instituting a suit against him, without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted,

XIV. When a collector shall have ground to believe that any land exceeding fifty beeghas, *and alienated by any one grant previous to the beginning of the Fussily year* 1196, *is held exempt from the payment of revenue under an invalid title, he is to state such information as he may possess, or be able to procure, respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the land is liable to the payment of revenue, are empowered to order the collector to institute a suit for the recovery of the public dues. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the collector to demand from the proprietor, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody, by a time to be limited in the requisition, all the writings in virtue of which he may possess such lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the proprietor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the proprietor as they may judge proper, upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue; and if the proprietor shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the proprietor shall produce the writings, or the lands shall be adjudged liable to the payment of revenue. If the proprietor shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case, produce any writing, or in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced, shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding land exempt from the payment of revenue to produce his title deeds or writings, (excepting for the registry of them by the publication specified in Section 25,) or to institute a suit for the recovery of the dues of Government from such exempted lands, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the collec-*

* Sections 12. 13. and 14. are rescinded by clause first, Section 2, Regulation II. 1819.

tor, to order suits to be instituted for the recovery of the public dues from lands, which they may have ground to believe are held under invalid titles.

without any previous report from the collector.

XV. The collectors of the revenue are to defend all suits that may be instituted against Government, (who alone agreeably to the principles prescribed in this regulation can be the defendant,) by any individual claiming a right to hold exempt from the payment of public revenue, lands paying revenue; and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended and prosecuted by the *vakeel* of Government under the instructions of the collector; and in the event of Government being cast either wholly or in part, or if the collector shall be dissatisfied with the decree in any respect, all the rules contained in Section 36, Regulation VI. 1795, and the other sections in that regulation, respecting decisions given against a collector, in the city or any *zillah* court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expence of Government: and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the city or *zillah* court, to be preferred to the provincial court of appeal, or against the decision of the provincial court, to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal to the Governor General in Council, who will direct the cause to be appealed or not in either case, as may appear to him proper.

Collector to defend suits instituted by individuals to hold *malguzaree* land exempt from the payment of revenue.

Vakeel of Government to defend or prosecute suits instituted against or by Government.

Rules to be observed by the collector, in the event of Government being cast wholly or in part.

XVI. If a suit shall be brought before a court of judicature by the collector, or any officer of Government, or by a proprietor or a farmer of land, or a* putteedar *for the recovery of the revenue of lands now held exempt from the payment of revenue, or by any individual to hold exempt from the payment of revenue, lands which are now subject to the payment of revenue, and it shall appear to the court that the suit was instituted upon insufficient grounds, or from vexatious or other unjustifiable motives, it shall award against the prosecutor in favour of the party sued, such costs and damages as may appear to it equitable upon a consideration of the circumstances of the case.*

Courts to award adequate costs and damages in cases of litigious, vexatious, or groundless prosecutions being instituted under this regulation.

XVII. If it shall appear to any court of judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue dated prior to the beginning of 1196 Fussily, has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void, as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Grants forged or altered, in any respect, or antedated, declared void.

XVIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail, (according to the circumstances of the case,) to take his trial before the court of circuit.

Persons concerned in the fraud liable to a criminal prosecution.

XIX†. The proprietor of a grant of exempted land which may be adjudged liable to the payment of revenue, shall not be required to refund any part of the collections which he may have made from the land previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the city or a zillah *court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall pay the* jumma *which may be assessed upon the land from the date of such first decree adjudging the land subject to the payment of revenue.*

Proprietors of land adjudged subject to the payment of revenue, to pay the jumma from the date of the first decision adjudging the land not exempted.

XX. Grants of land, which from the terms of the grant, or the nature of the tenure are hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants

Cases in and rules under which certain grants are to be transferrible.

* This section is rescinded by clause first, Section 2, Regulation II. 1819.

† This section is rescinded by clause first, Section 2, Regulation II. 1816.

by

by whatever mode, are required to register their names in the office of the collector within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made, or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this regulation.

Record of lands specified in Section 7, adjudged liable to the payment of revenue, where to be made.

XXI. *First.* When land of the description specified in Section 7, shall be finally adjudged liable to the payment of revenue, the name or names of the village or villages, or land included in the grant, and the measurement thereof, the *pergunnah* in which the land granted may be situated, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions directed to be kept by Section 33, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by Section 22, in which the lands may stand recorded; and in the periodical register, he is to specify in red ink, the number of the page in the register of intermediate resumptions in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions, are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section 16, Regulation XIX. 1795, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the abovementioned regulation. The collector is to insert in red ink, opposite to the entries relating to such lands, in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations, in which the above required entries may be made; and he is also to specify in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register and the register of the intermediate resumptions, in which the entries respecting the lands may be inserted.

Record of lands specified in Section 6, adjudged liable to the payment of revenue, where to be made.

Second. When land of the description specified in Section 6, shall be finally adjudged liable to the payment of revenue, the measurement of the land, the name of the *pergunnah* in which it may be situated, the *jumma* payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register in which the lands may stand recorded; and in the periodical register, he is to insert in red ink, the number of the page in the register of intermediate resumptions, in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. The lands mentioned in this section not being liable to the payment of revenue to Government, no entry respecting them is to be made in the register of intermediate mutations, or the quinquennial register directed to be kept by Regulation XIX. 1795.

Record of lands now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made.

Third. When land now subject to the payment of revenue, shall be finally adjudged to be exempted from the payment of revenue, the name or names of the village or villages, or land, which may be so exempted, the measurement thereof, the *pergunnah* in which it may be situated, the name or names of the proprietor or proprietors, the amount of the *jumma*, and a copy of the decree, are to be entered in the register of intermediate mutations; and the collector is to insert in red ink opposite to such entry, the number of the page in the last formed quinquennial register in which such village or villages, or the village or villages in which the lands may be situated, may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment of revenue; and the collector shall insert in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken.

Rule to apply to old grants renewed by Government.

The rules in this clause are to be observed likewise, in case the Governor General in Council should deem it proper, from particular circumstances, to renew any former grant, the lands included in which may be now subject to the payment of revenue.

XXII. That Government and its officers may at all future periods have in their possession, a complete register of the lands throughout the province of Benares, held exempt from the payment of revenue under grants of the nature of those described in this regulation, and with a view to prevent any such grants being made in future, a register of all lands, whether exceeding or under fifty *beeghas*, held exempt from the payment of revenue under grants made previous to the Fussily year 1196, shall be formed every five years. The register is to specify the denomination of each grant, whether *maafy mujray*, *kishnarpun*, *baughaut*, or other tenure, the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship exists, and in virtue of what right he succeeded to the grant, and the date of the grant; the names of the village or villages comprised in the grant, or in which the land granted may be situated; the measurement in *beeghas* of the village or villages, or the land included in the grant; and the name of the *pergunnah* in which the land granted may be situated. The register shall be denominated, the "periodical register of lands held exempt from the payment of revenue under grants made previous to the beginning of the Fussily year 1196, not being *badshahee* or royal grants."

Register of lands held exempt from the payment of revenue prior to the Fussily year 1196, to be formed every five years.

Contents of the register.

Denomination of the register.

XXIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collector, who is strictly enjoined to adhere to it.

Board of Revenue to prepare a form for the periodical register. Collector to adhere to the form.

XXIV. All persons actually holding lands exempt from the payment of public revenue, whether exceeding or under fifty *beeghas*, in virtue of grants made previous to the Fussily year 1196, and whether made or confirmed by the Government of the country for the time being, or any other authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue.

Holders of land exempt from the payment of revenue, allowed one year to register their grants from the time specified in Section 25.

XXV. To prevent any plea being hereafter urged of ignorance of the rule contained in the preceding section, the collector, upon the receipt of this regulation, is to cause the following publication, which shall be written in the Persian language, and the Hindoostanee language and Nagree character, and attested with his official seal and signature, to be fixed up in the principal *cutcherree* of every proprietor and farmer of land paying revenue immediately to Government, and of every native collector in lands held *amaunee* or *khas* by Government, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it.

Publication to be made, requiring all persons to register their grants.

Publication.

"In conformity to Regulation XLI. 1795, every person being actually in possession of *maafy mujray*, or *kishnarpun*, *baughaut*, or other land now exempt from the payment of revenue, in the estate of ———, or the farm of ———, or the *amaunee* or *khas* lands under the charge of———, whether exceeding or under fifty *beeghas* of the measurement of the *pergunnah* in which the land may be situated, and whether comprising or lying in one village or two or more villages, and which may be held in virtue of any grant made previous to the Fussily year 1196, and whether made or confirmed by the Government of the country for the time being, or its officers, or any other authority, are required to register the following particulars respecting such lands in the office of the collector, before the expiration of one year from the date of this publication. If any holders of such grants shall not so register their grants, either in person, or by a *vakeel* with a *vakalutnamah* attested by two credible witnesses, and given for the express purpose of registering the grant, the lands will be considered liable to the payment of revenue in the same manner as if they had been adjudged to be so by a final decree of a court of judicature. Persons having claims only to hold land exempt from the payment of revenue, but who do not now hold the lands exempt from the payment of revenue, are not to register the land so claimed by them.

Denomination of the grant, whether *maafy mujray*, *kishnarpun*, *baughaut*, or other tenure.

Name of the grantor.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the deed, if the grant be in writing; and if not, the date on which the grant was made.

The name or names of the village or villages comprised in the grant, or in which the land may be situated.

The measurement of each village, or the villages, or the land included in the grant.

The *pergunnah* or *pergunnahs* in which the land may be situated.

A copy of the original grant, and other writings, under which the land may be held.

Lands not registered within the prescribed time declared subjected to the payment of revenue, unless the Governor General in Council shall admit them upon the register.

XXVI. If any person in possession of any such grant of land now held exempt from the payment of revenue, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant shall, by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree of a court of judicature; and the collector, if the land shall exceed fifty *beeghas*, shall proceed to assess the land accordingly, and if it shall be under fifty *beeghas*, the party to whom the revenue of the land may be payable under Section 6, is empowered to assess the land as therein directed. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause to his satisfaction, for not having registered it within the limited period; and the Board of Revenue are to report to the Governor General in Council, every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered invalid.

XXVII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared invalid as far as regards the exemption from the payment of revenue, and the land shall be assessed with revenue as directed in Section 26.

Registry of lands not to be considered as an admission of the possessor's proprietary rights in the soil, nor of title to hold the land exempt from the payment of revenue.

XXVIII. It is expressly declared, however, that the registry of grants under this regulation, is not to be considered as an admission of the right of the person in whose name they may be registered, to the property in the soil, or of his title to hold the lands exempt from the payment of revenue. Any person will be at liberty to sue him in the *dewanny adawluts* for the former, and he will be liable to be sued for the recovery of the latter by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the lands are liable to the payment of revenue.

Collectors to prepare the register, upon the expiration of the period limited for the registry of grants.

Inscription on the book of the register.

Book to be paged, and each page to be attested by the judge of the city court of Benares.

Judge to specify the number of pages in the book on the last leaf.

XXIX. Upon the expiration of the period for registering the grants, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it, "Periodical register formed under Regulation XLI. 1795, of lands held exempted from the payment of revenue, under grants not *badshahee* or royal, made previous to the Fussily year 1196, in the province of Benares, at the commencement of the year ———, Fussily era, corresponding with the year of our Lord ———, number———." Each leaf of the book shall be paged, and be signed by the judge of the *dewanny adawlut* of the city of Benares, and on the last leaf of the book, he is to note in his own handwriting, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered *one*.

Second periodical register to commence with the year 1207, to be numbered two, and the subsequent registers in their order.

XXX. The second periodical register, is to commence with the year 1207 of the era current in the province of Benares. This register is to be numbered two, and the periodical registers to be prepared at the commencement of every subsequent five years, in the order in which they may be formed.

XXXI. The keepers of the native records, are to keep an exact counterpart of the English periodical register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the city of Benares, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXXII. The counterpart registers are to be kept in the Persian language, and the Hindoostanee language and Nagree character.

In what language the counterpart registers are to be kept.

XXXIII. For the purpose of recording all resumptions, or other occurrences respecting the lands which form the subject of this regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collector is to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "The register of intermediate resumptions, or other occurrences respecting grants of exempted land not *badshahee*," and shall have the following inscription on the back, "Register formed under Regulation XLI. 1795, of intermediate resumptions, or other occurrences respecting lands held exempt from the payment of revenue under grants not *badshahee* or royal, made previous to the Fussily year 1196 in the province of Benares, between the commencement of the year———, and the expiration of the year———, Fussily era." Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the city of Benares is to sign each leaf of it, and on the last leaf, note in his own handwriting, the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in Section 25, which the Governor General in Council may order to be admitted upon the register under Section 26; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land now subject to the payment of revenue, which the Governor General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from, or annexed to, the province of Benares, with the authority for the several occurrences, and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to Government, in the cases specified in Section 21, in which entries are directed to be made in that register.

Manner in which resumptions, and other occurrences regarding exempted lands, in the intervals between the forming of the periodical registers, are to be recorded.

XXXIV. In the event of the province of Benares being hereafter divided into two or more collectorships, and of *mohauls* being ordered to be separated from one collectorship, and annexed to another, the collector from whose district the separation is to take place, is to transmit to the collector to whose district the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the lands held exempt from the payment of revenue in such *mohauls*, and also of any entries respecting them in the register of intermediate resumptions, which may have taken place subsequent to the forming of the last periodical register.

Documents respecting exempted lands to be furnished by the collectors of districts from which separations may be made, in the event of the province of Benares being hereafter divided into two, or more collectorships.

XXXV. Upon the arrival of the period when the separation is to be carried into effect, the collector of the district from which the separation may be directed to be made, is to transmit to the judge of the *dewanny adawlut* from the jurisdiction of which the lands may be ordered to be separated, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register, and register of intermediate resumptions, which may relate to the grants to be separated from his district; and the collector to whose district the annexation may be made, is to transmit copies of the abovementioned entries (with which he is directed to be furnished in the preceding section) to the judge of the jurisdiction to which the lands may be annexed. Immediately upon the receipt of these papers, the court from the jurisdiction of which the separation may be made, is to transmit the papers in any causes depending before it, which, in consequence of the separation may become cognizable in any other court, to such court, and to cause notification thereof to be communicated to the parties in writing.

How such separations of exempted lands are to be notified to the courts of judicature.

Collector enjoined never to allow the register of intermediate resumptions to fall in arrear.

XXXVI. The collector is to attest all entries in the register of intermediate resumptions with his official signature, and he is strictly enjoined never to allow the register of intermediate resumptions to fall in arrear, but to make the necessary entries immediately upon any resumptions, or other occurrences, taking place.

Counterparts of the English register of intermediate resumptions, to be kept by the keepers of the native records.

XXXVII. A counterpart of the register of intermediate resumptions, is to be kept by the keepers of the native records in the same form as the English register, and in a book the leaves of which are in like manner to be paged and attested by the judge of the *dewanny adawlut* of the city of Benares.

How errors in the fair copy of the periodical register, and in the register of intermediate resumptions, are to be corrected.

XXXVIII. When the periodical register shall have been transcribed fair into the book attested by the judge of the city as directed in Section 29; if it shall be discovered that the entries respecting any land are erroneous, or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the periodical register, the number of the page in the register of intermediate resumptions, in which the errors or omissions may be noted, and at the end of the note, specifying the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate resumptions, in the native languages.

XXXIX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions in the country languages, in addition to the attestation of the keepers of the native records, shall be signed by the collector.

Persons in possession of disputed grants, to be registered as the proprietors.

XL. If the proprietary right in any grant of exempted land, shall be under litigation in a court of justice at the time of forming the first, or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

XLI. If the collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper on a consideration of his situation and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorised to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collector with such records or information as they may possess regarding the exempted lands, as well as to assist him in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon him in registering the grants, or to aid him in ascertaining what lands now held exempt from the payment of revenue are liable to the payment of revenue under this regulation.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands.

To whom the collectors are to send copies of each periodical register, and the quarterly entries in the register of intermediate occurrences.

XLII. The collector is to transmit as early as may be practicable to the Board of Revenue, an attested copy of the periodical registers both in the English and native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the city of Benares, in the same manner as the original register, as directed in Section 29, and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Fussily year, an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months. * *The collector is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judges of the* dewanny adawluts *of the city and* zillahs *in the province, and to the provincial court of appeal. The Board of Revenue are to fur-*

* The words in Italic type are rescinded by Section 15, Regulation VIII. 1800.

nish the Sudder Dewanny Adawlut with an attested copy of the periodical registers, and of the quarterly entries in the registers of intermediate resumptions, as soon as they may receive them from the collector.

XLIII. The courts of judicature, the Board of Revenue, and the collector, are enjoined to be particularly attentive to the preservation of the periodical registers, and registers of intermediate resumptions, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects or otherwise.

Courts, the Board of Revenue, and the collector to be careful to preserve the old periodical registers and registers of intermediate resumptions.

XLIV. The periodical register which is to be formed at the commencement of the Fusily year 1207, and at the commencement of every succeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another *zillah*, and with the addition of any such grants of land that may have been annexed to the *zillah*, (in the event of the province being hereafter divided into two or more *zillahs* or collectorships,) or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor General in Council under Section 26. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XLV. If it shall be proved to the satisfaction of the judge of the *dewanny adawlut* of the city or any *zillah*, that a native officer of the collector, or of an assistant to the collector, shall have received directly or indirectly any sum of money or effects, or other property, from any person, for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for native officers receiving money or property on account of the registry of grants.

XLVI. If any native servant, or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of *dewanny adawlut* of the offences specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property, and the collector or assistant, is to discharge such servant, and never to employ him in his public or private capacity.

Penalty for private servants or dependents of the collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XLVII. All the rules in this regulation respecting lands now held, or that may be claimed to be held, exempt from the payment of revenue, under life-grants made previous to the date of the Company's accession to the sovereignty of Benares, are to be considered equally applicable to grants made previous to that date for a term only.

Rules respecting life-grants applicable to grants for a term.

XLVIII. No part of this regulation is to be construed to extend to *jaghire, altumgah, muddud-maash, ayma*, or other grants of land termed *badshahee* or royal, and held or stated to be held, under a royal *furmaun*. The rules applicable to such grants, are contained in Regulation XLII. 1795.

This regulation not to be considered to extend to *badshahee* grants.

A. D. 1795. REGULATION XLII.

A REGULATION *for enacting, with Modifications, the Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Altumgah, Jaghire, and other Lands, in the Province of Benares, exempt from the Payment of public Revenue, under Grants termed Badshahee or Royal, or made by the Supreme Power for the time being; and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands, the Grants for which may expire, or be adjudged invalid.*—PASSED *by the Governor General in Council, on the* 31*st July* 1795; *corresponding with the* 18*th Sawun* 1202 *Bengal era; the* 29*th Sawun* 1202 *Fussily; the* 18*th Sawun* 1202 *Willaity; the* 29*th Sawun* 1852 *Sumbut; and the* 13*th Mohurrum* 1210 *Higeree.*

Preamble.

BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every *beegha* of land, unless it transfers its rights thereto for a term, or in perpetuity. As a necessary consequence of this law, every grant or alienation of Government's proportion of the produce of land without its sanction, was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native government, grants, under the denomination of *jaghire, altumgah*, and other appellations, were occasionally made of the government's share of the produce of lands, for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government have continued in possession the grantees, and their heirs, as far as respects such of these grants as were hereditary, and were made before the 1st July 1775, the date of the cession of the province of Benares to the Company, provided the grantees or their heirs obtained possession previous to that date; but those grants which were for life only, have been invariably considered as resumable from the death of the grantees. No complete register of these grants having been formed on the cession of the province to the Company, nor subsequent to that period, many persons may have retained possession of lands under fabricated or antedated grants, or succeeded to life-grants on the demise of the original grantee, or former possessor, without the sanction of Government. The Governor General in Council deems it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands, the grants for which may expire; but at the same time that he is desirous of recovering the public dues from lands held under invalid tenures, he is equally solicitous that persons holding lands under grants that are declared valid, should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice, or extortion, in the enquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants, (provided the grantees, or persons in possession, register their grants as required in this regulation,) shall be tried in the courts

of

of judicature, that no such grants may be resumed until the title of the grantee, or present *possessor*, shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government; and further, that Government and its *officers*, may at all times have in their *possession* a correct register of the lands held exempt from the payment of revenue under *badshahee* grants, the following rules have been enacted.

Definition of the term *badshahee* grant.

II. *First.* The term *badshahee* grant, is to be construed to extend to all grants made by the supreme power for the time being; and consequently to include grants of the following descriptions: 1st, royal grants, properly so called; 2dly, grants made by the *soobadars* of Oude; and 3dly, grants made by the authority of the British Government.

Badshahee grants made previous to the 1st July 1775, declared valid, provided the grantee obtained possession before that date, and has since held possession.

Grants made before the 1st of July 1775, of no validity, if possession was not obtained prior thereto, or has not been since confirmed, or if they shall have since been resumed by authority.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the *authority of any officer of* Government who may have resumed *badshahee* grants of land made before the cession.

Second. Altumgah, jaghire, ayma, muddad-maash, or other *badshahee* grants, for holding land exempt from the payment of revenue, made previous to the 1st of July 1775, the date of the cession of the province of Benares to the Company, shall be deemed valid, provided the grantee, actually and *bonâ fide*, obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of Government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 1st July 1775, and that it has not been since confirmed to him by the authority of the Governor General in Council, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of Government, the grant shall not be deemed valid.

Third. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a *badshahee* grant made previous to the 1st July 1775, and on it being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer under the powers vested in him, to resume the grant, and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant; and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue, for the twelve years preceding the date on which the claim may be instituted, shall be heard by any court of *dewanny adawlut*, unless the claimant can shew good and sufficient cause for not having preferred the claim to a competent authority within the twelve years, and proceeded in it, as required by Section 8, Regulation VII. 1795.

Claim to hold exempt from revenue under *badshahee* grants, lands that have paid revenue for twelve years, not to be heard.

Exception.

Fourth. But no part of the two preceding clauses, is to be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold land paying revenue to Government exempt from the payment of revenue, under a *jaghire* or other grant, made previous to the 1st July 1775, where the grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Persons not being the original grantees, not to be entitled to hold exempt from the payment of revenue, land paying revenue, under a life grant made before the cession.

Fifth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a *jaghire*, or other *badshahee* life-grant, made previous to the 1st of July 1775, to succeed to, and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country.

Nor to entitle the heirs of persons now possessing exempted lands under life-grants made previous to the 1st July 1775, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Sixth. The present possessors of lands now exempt from the payment of revenue under such *jaghire*, or other life grants, made previous to the 1st of July 1775, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives; and all such transfers and mortgages which have been or may be made, are declared illegal and void.

The present possessors of such life grants, prohibited from transferring them, or mortgaging the revenue of them, beyond their own lives.

III. *First.* All *badshahee* grants for holding land exempt from the payment of revenue, which may have been made since the 1st of July 1775, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid. But grants of land held exempt from the payment of revenue under grants made by the residents at Benares since the 1st of July 1775, are not to be annulled by the decree of the city or any *villah* court, but the judge is to proceed with them, as directed with regard to the grants mentioned in clause third, of this section.

All grants made or confirmed since the 1st July 1775, excepting by the authority of Government, or its officers duly empowered, declared invalid.
Exception.

Second. The Governor General in Council having determined on the 11th April 1788, that the lands assigned in the year 1781 in lieu of *malikanah*, to certain dispossessed *zemindars*, should not descend to the heirs of the present incumbents without his express orders for that purpose, the judges and the collector are to attend to this rule; and the latter is accordingly to attach such lands on the demise of the present holders, until the determination of Government respecting them be received.

Case of lands granted in 1781, to certain dispossessed *zemindars* in lieu of *malikanah*.

Third. If doubts shall be entertained by any court, as to the competency of the authority of any officer to confirm any grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grants.

IV. It is to be understood, that this regulation respects only the Government proportion of the revenue arising from lands, held or claimed to be held, under *badshahee* grants, and whether Government is entitled to resume or retain such revenue or otherwise. Every dispute or claim regarding the *zemindaree* or proprietary right in lands included in any grant, is to be considered as a matter of a private nature between the contending parties, and is to be determined in the *dewanny adawlut*.

Questions regarding the proprietary right in lands included in grants, to be determined in the *dewanny adawlut*.

V. When a *jaghire*, or other life grant, shall escheat to Government, the collector is immediately to attach the revenue of the lands, and report the circumstances to the Board of Revenue, who are to obtain the orders of the Governor General in Council, regarding the resumption of the grant.

Collectors to attach the revenue of lands included in escheated grants.

VI. When any *badshahee* grant shall be resumed, or expire, or escheat to Government, the revenue to be paid to Government from the lands included in it shall be assessed, and the settlement made in perpetuity, agreeably to the rules contained in Regulation V. 1795, with the person possessing the *zemindaree* or proprietary right in the lands, whoever he may be. If the proprietor shall refuse to pay the *jumma* demanded of him, the land shall be held *khas*, or let in farm.

Lands included in resumed grants to be assessed, and the revenue to be paid by the proprietor, according to the regulations for the decennial and quartennial settlements.

VII. It is to be the duty of the collector, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section 9, to prosecute in the courts of* dewanny adawlut *on behalf of Government, for the resumption of grants that are declared invalid by this regulation, and no lapse of time shall be considered as a bar to the resumption of such grants.*

Collectors to prosecute for the resumption of grants which are declared invalid.
No lapse of time to be a bar to the resumption of grants.

VIII. The collector shall receive a commission of twenty-five per cent. on the amount of the jumma *which may be assessed in perpetuity, on the lands contained in grants that may be resumed in consequence of suits which may be prosecuted by him to a final judgment. A collector who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst he may hold the office, shall not be entitled to any commission in the event of the lands being adjudged liable to the pay-*

Commission of twenty-five per cent. to be received by collectors, on the permanent jumma of lands included in grants resumed in consequence of suits prosecuted by them to a final decision.

* Sections 7. 8. and 9. are rescinded by clause second, Section 2, Regulation II. 1819.

ment of revenue, but the commission shall be paid to the collector, who may prosecute the suit to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the collector, by whom the suits may have been instituted, or to the collector, who may have succeeded the collector who instituted the suits, and preceded the collector by whom they may have been prosecuted to a final decision.

Collector to report to the Board of Revenue, whenever he may receive information of land held under an invalid grant.

Board if they see grounds, empowered to order the collector to sue for the resumption of the grants, may require the person in possession to deliver up his title deeds;

and may fine him on his refusing to deliver up the writings upon the first requisition;

and levy the amount in the same manner as arrears of revenue;

and attach the lands upon his not complying with the second requisition.

Grantees denying that they have any writings, not to be allowed to avoid themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the grantee their title deeds, or instituting a suit against them, without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the collector.

IX. When a collector shall have reason to believe, that land is held by any person exempt from the payment of revenue under a grant that is declared invalid by this regulation, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the grant is invalid, are empowered to order the collector to institute a suit for the resumption of it. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the collector to demand from the grantee or person in possession, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody by a time to be limited in the requisition, all the writings in virtue of which he may possess the lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the grantee or possessor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him, to deliver the writings by a specific day; and shall at the same time impose such daily fine on the grantee or possessor, as they may judge proper upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the grantee, or person in possession, shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the grantee or person in possession, shall produce the writings, or the grant shall be adjudged invalid. If the grantee, or person in possession, shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing, and in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced, shall not be received by the court in evidence, nor shall they be allowed to have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding lands under any grant to produce his title deeds or writings, (excepting for the registry of them by the publication specified in Section 20,) or to institute a suit for the resumption of the grant, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the collector, to order suits to be instituted for the resumption of grants, which they may have ground to believe are invalid.

Persons claiming to hold lands paying revenue, exempt from revenue under badshahee grants, to sue Government.

X. Any person having a claim to hold lands paying revenue, exempt from the payment of revenue, under a *badshahee* grant, must institute his claim against Government, who alone can be the defendant in such suits, in the *dewanny adawlut* in the jurisdiction of which such lands are situated, in the same manner as in cases where individuals may claim a right to hold lands paying revenue, exempt from the payment of revenue, under grants not of the description of those termed *badshahee*, in virtue of Regulation XLI. 1795. The collector of the revenue is to defend all such suits as may be instituted against Government, and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended or prosecuted by the *vakeel* of Government, under the instructions of the collector; and in the event of Government being cast, either wholly or in part, or, if the collector shall be dissatisfied with the decree in any respect, all the rules contained in Section 36, Regulation VI. 1795, and the other sections in that regulation, respecting decisions given against a collector in the city or any *zillah* court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears

Collector to defend the suit.

Vakeel of Government to defend or prosecute suits instituted against, or by Government.

Rules to be observed by the collector in the event of Government being cast wholly or in part.

of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expence of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal from the decision of the city or *zillah* court to be preferred to the provincial court of appeal, or from the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal to the Governor General in Council, who will direct the cause to be appealed or not in either case, as may appear to him proper.

Courts to award adequate costs and damages, in cases of prosecutions being instituted on insufficient grounds, under this regulation.

XI. If a suit shall be brought before a court of judicature by a collector on the part of Government for the resumption of a grant, or by any individual against Government, to hold exempt from the payment of revenue under a grant, lands paying revenue to Government, and it shall appear to the court that the suit was instituted upon insufficient grounds, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable upon a consideration of the circumstances of the case.*

Grants forged or altered in any respect, or antedated, declared void.

XII. If it shall appear to any court of judicature during the course of a trial, that a grant has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination, or the terms of the tenure in the original grant, have been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void.

Persons concerned in these frauds liable to a criminal prosecution.

XIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail, (according to the circumstances of the case,) to take his trial before the court of circuit.

Proprietors of land included in resumed grants, to pay the jumma from the date of the first decision, adjudging the land not exempted.

XIV†. Where a grant may be adjudged invalid, and the lands shall be subjected to the payment of revenue, the former holder of the grant shall not be required to refund any part of the collections which he may have made from the lands previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the city or a zillah *court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall be responsible for the collections from the lands from the date of such first decree, adjudging the land subject to the payment of revenue.*

Cases in and rules under which certain grants are to be transferrible.

XV. *Altumgah, ayma,* and *mud-lud maash* grants, are to be considered as hereditary tenures. These and other grants, which from the terms or nature of them may be hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this regulation. *Jaghires* are to be considered as life tenures only, and with all other life tenures, are to expire with the life of the grantee, unless otherwise expressed in the grant.

Jaghires to be considered as life tenures, unless the grant shall express otherwise.

Record of lands included in grants that may become liable to the payment of revenue.

XVI. *First.* When any grant shall be adjudged invalid, or shall expire, or escheat to Government, the name or names of the *mohauls* and villages, or lands included in the grant, and the measurement thereof, the *pergunnah* in which the lands may be situated, the amount of the public revenue assessed thereon, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by Section 28; and opposite to such entry,

* This section is rescinded by clause first, Section 2, Regulation II. 1819.
† This section is rescinded by clause first, Section 2, Regulation II. 1819.

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the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by Section 17, in which the lands may stand recorded; and in the periodical register, he is to specify in red ink, the number of the page in the register of intermediate resumptions and occurrences, in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions and occurrences, are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section 16, Regulation XIX. 1795, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the abovementioned regulation. The collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register, and the register of intermediate resumptions and occurrences, the number of the page in the register of intermediate mutations, in which the above required entries may be made; and he is also to specify in red ink opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions and occurrences, in which such entries respecting the land may be inserted.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged or become exempt from the payment of revenue, where to be made.

Second. When land now subject to the payment of revenue, shall be finally adjudged on the claim of any individual, to be exempted from the payment of revenue under any grant, or when the Governor General in Council shall make any new grant, the name or names of the *mohauls*, villages, or lands, which may be so adjudged exempted, or granted, the measurement thereof, the *pergunnah* in which they may be situated, the name or names of the grantee, the amount of the revenue before assessed thereon, and a copy of the decree, or grant, are to be entered in the register of intermediate mutations, directed to be kept by Regulation XIX. 1795, and the collector is to insert in red ink, opposite to such entry, the number of the page in the last formed quinquennial register, in which such *mohauls*, villages, or lands may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions and occurrences, directed to be kept by this regulation, in which such entries are also to be recorded, that they may be inserted in their proper place, in the periodical register of grants that may be next formed, and the collector shall insert in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken.

Register of *badshahee* grants to be prepared every five years.

Contents of the register.

XVII. That Government and its officers may have in their possession at all future periods a complete register of all the lands in the province, held exempt from the payment of revenue under *badshahee* grants, a register of all such grants shall be formed every five years. The register is to specify the denomination of each grant, whether *altumgah*, *jaghire*, or other tenure; the name of the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship should exist, and in virtue of what right he succeeded to the grant; the date of the grant, the names of the *mohauls* and villages or lands comprised in the grant, or in which the grant may be situated; the person or persons possessing the *zemindaree* or proprietary right in the lands; the measurement in *beighas* of the *mohauls* and villages or lands included in the grant; and the name of the *pergunnah* and *sircar* in which the land granted may be situated. The register shall be denominated, the "Periodical register of lands held exempt from the payment of revenue under *badshahee* grants."

Denomination of the register.

Board of Revenue to prepare a form for the periodical register.

Collectors to adhere to this form.

XVIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collector, who is strictly enjoined to adhere to it.

Holders of grants allowed one year to register them, from the time specified in the following section.

XIX. All persons actually holding lands exempt from the payment of the public revenue under *badshahee* grants, and whether made or confirmed by the Government of the country for the time being, or by whatever authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue.

Publication to be made requiring all persons to register their grants.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector, upon the receipt of this regulation, is to cause the following

lowing publication, which shall be written in the Persian language, and the Hindoostanee language and Nagree character, and attested with his official seal and signature, to be fixed up in the principal *cutcherree* of the holders of grants of the description of those specified in this regulation, and take a receipt from the holder of such grant, or the person entrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it.

Publication.

"In conformity to Regulation XLII. 1795, every person being actually in possession of *altumgah*, *jaghire*, *ayma*, *muddad-maash*, or other land in the province of Benares, now exempt from the payment of revenue, and held under *baishahee* grants, whether made or confirmed by the Government of the country for the time being, or by whatever authority, are required to register the following particulars respecting such grants in the office of the collector, before the expiration of one year from the date of this publication. If any holders of such grants shall not register their grants, either in person, or by a *vakeel* with a *vakalutnamah*, attested by two credible witnesses, and given for the express purpose of registering the grants, the grants will be considered liable to resumption, and the lands chargeable with revenue, in the same manner as other lands subject to the payment of revenue. Persons having claims only to hold land exempt from the payment of revenue under such grants, but who do not now hold the lands exempted, are not to register the lands so claimed by them.

Denomination of the grant, whether *altumgah*, *jaghire*, or other tenure.

By whom granted.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the grant.

The name or names of the *mohauls* or villages or lands comprised in the grant, or in which the land may be situated.

The names of the *zemindar*, or other proprietor of the *mohauls* or villages, or lands included in the grant, whether such *zemindaree* or proprietary right shall be vested in the grantee, or any other person.

The measurement of each *mohaul* or village, or the land included in the grant.

The *pergunnah* or *pergunnahs* in which the lands may be situated.

A copy of the original grant, and other writings, under which the land may be held.

Grants not registered within the prescribed time, declared liable to resumption, unless the Governor General in Council shall admit them upon the register.

XXI. If any person in possession of any such grant that may be now in force, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the grant, by such omission, shall become subject to resumption, and the lands shall become liable to the payment of revenue to Government. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor showing good and sufficient cause to his satisfaction for not having registered it within the limited period; and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered forfeited.

XXII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared forfeited, and the lands shall be assessed with revenue agreeably to the rules prescribed for the permanent settlement.

Registry of grants not to be considered as an admission of the possessor's proprietary rights in the soil, nor of the validity of the grants.

XXIII. It is expressly declared, however, that the registry of a grant under this regulation, is not to be considered as an admission of the right of the person in whose name it may be registered to the property in the soil, nor of the validity of his grant. Any person will be at liberty to sue in the *dewanny adawlut* for the former, and he will be liable to be sued for the resumption of the grant by the collector, with the sanction of the Board of Revenue, in the event of its appearing to that Board that the grant is invalid.

Collector to prepare the register upon the expiration of the period limited for the registry of the grants.

XXIV. Upon the expiration of the period for registering the grants, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book

Inscription on the back of the register.

book shall have the following inscription on the back of it, "Periodical Register formed under Regulation XLII. 1795, of *altumgah*, *jaghire*, and other lands, held exempt from the payment of revenue under *badshahee* grants in the province of Benares, at the commencement of the year ——— Fussily era, corresponding with the year of the Christian era ———, number ———." Each leaf of the book shall be paged, and be signed by the judge of the *dewanny adawlut* of the city of Benares, and on the last leaf of the book, he is to note in his own handwriting, the number of pages in the book, and subscribe the note with his signature; and no register is to be deemed authentic, but such as may be entered in a book so paged and attested. The first periodical register is to be numbered One.

Book to be paged, and each page to be attested by the judge of the city of Benares.

Judge to specify the number of pages in the book on the last leaf.

Second periodical register to commence with the year 1207, and to be numbered Two, and the subsequent registers in their order.

XXV. The second periodical register is to commence with the year 1207 of the Fussily era. This register is to be numbered Two, and the periodical register to be prepared at the commencement of every subsequent five years in the order in which it may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXVI. The keepers of the native records are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the city of Benares, in the same manner as the books containing the English register; and no other counterparts of the registers of grants shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXVII. The counterpart registers are to be kept in the Persian language, and the Hindoostanee language and Nagree character.

Manner in which resumptions and other occurrences regarding grants, in the intervals between the forming of the periodical registers, are to be recorded.

XXVIII. For the purpose of recording all resumptions, or new grants, or other occurrences respecting the grants which form the subject of this regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second, and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "The register of intermediate resumptions or other occurrences, respecting *altumgah*, *jaghire*, or other *badshahee* grants," and shall have the following inscription on the back, "Register formed under Regulation XLII. 1795, of intermediate resumptions, or other occurrences respecting *altumgah*, *jaghire*, or other lands, held exempt from the payment of revenue under *badshahee* grants, in the province of Benares, between the commencement of the year ———, and the end of the year ——— Fussily era." Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the city of Benares, is to sign each leaf of it, and on the last leaf, note in his own handwriting the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in Section 20, which the Governor General in Council may order to be admitted upon the register under Section 21, all grants of land that may be adjudged or become liable to the payment of revenue, all lands now paying revenue which may be adjudged to be held exempt from the payment of revenue by any individuals under any grant, all new grants that may be made by the Governor General in Council, and all exempted lands held under such grants which may be separated from, or annexed to, the province of Benares, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate occurrences, in the cases specified in Section 16, in which entries are directed to be made in that register.

Documents respecting grants to be furnished by collectors of districts from which separations may be made, in the event of the province of Benares being hereafter divided into two or more collectorships.

XXIX. In the event of the province of Benares being divided into two or more collectorships, and of *mohauls* being ordered to be separated from one collectorship, and annexed to another, the collector from whose district the separation is to take place, is to transmit to the collector to whose district the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the *badshahee* grants in such *mohauls*, and also of any entries respecting them in the register of intermediate occurrences, which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the collector of the district from which the separation may be directed to be made, is to transmit to the judge of the *dewanny adawlut* from the jurisdiction of which the lands may be ordered to be separated, and also to the provincial court of appeal of the division, co-

pies of the entries in the last periodical register and register of intermediate occurrences, which may relate to the grants to be separated from his district; and the collector to whose district the annexation may be made, is to transmit copies of the abovementioned entries, (with which he is directed to be furnished in the preceding section,) to the judge of the jurisdiction to which the lands may be annexed. Immediately on the receipt of these papers, the court of *dewanny adawlut* from the jurisdiction of which the separation may be made is to transmit the papers in any causes depending before it, which in consequence of the separation may become cognizable in any other court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collector enjoined never to allow the register of intermediate occurrences to fall in arrear.

XXXI. The collector is to attest all entries in the register of intermediate resumptions and occurrences, with his official signature, and he is strictly enjoined never to allow that register to fall in arrear, but to make the necessary entries immediately upon any resumptions or other occurrences taking place.

Counterpart of the English register of intermediate occurrences to be kept by the keepers of the native records.

XXXII. A counterpart of the register of intermediate resumptions and occurrences, is to be kept by the keepers of the native records in the same form as the English register, and in a book the leaves of which are in like manner to be paged, and attested by the judge of the *dewanny adawlut* of the city of Benares.

How errors in the fair copy of the periodical register, and in the register of intermediate occurrences, are to be corrected.

XXXIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the city of Benares as directed in Section 24, if it shall be discovered that the entries respecting any grant are erroneous, or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions and occurrences, and to attest the entry with his signature, and insert in red ink opposite to the erroneous or incomplete entries in the periodical register, the number of the page in the register of intermediate resumptions and occurrences, in which the errors or omissions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions and occurrences, are to be noted in a similar manner.

Similar rule with regard to errors in counterparts of the periodical register, and register of intermediate occurrences in the native languages.

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions and occurrences in the country languages, in addition to the attestation of the keepers of the native records, shall be signed by the collector.

Persons in possession of the proprietary right in the lands, to be registered as the proprietors.

XXXV. If the proprietary right in any land included in a *badshahee* grant, shall be under litigation in a court of justice at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collector for preparing the registers.

XXXVI. If a collector shall have occasion to require from the holder of a grant, any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions and occurrences, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper, on a consideration of his situation and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorised to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collector with such records or information as they may possess regarding the exempted lands in the province, as well to assist him in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon him in registering the grants, as to aid him in ascertaining what lands are now held exempt from the payment of revenue, under grants that are liable to the payment of revenue according to this regulation.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective *zillahs*.

XXXVII.

To whom the collectors are to send copies of each periodical register, and the quarterly entries in the register of intermediate occurrences.

XXXVII. The collector is to transmit to the Board of Revenue as early as may be practicable, an attested copy of the periodical registers, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the city, in the same manner as the original register, as directed in Section 24, and within one month after the expiration of the third, sixth, ninth, and twelfth month, of the Fussily year, an attested copy of the entries in the register of intermediate resumptions and occurrences that may have taken place during the three preceding months. * *The collector is to transmit similar copies of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judges of the several courts of* dewanny adawlut *in the province, and to the provincial court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers, and of the quarterly entries in the registers of intermediate resumptions and occurrences, as soon as they may receive them from the collector.*

Courts, the Board of Revenue, and the collector, are to be careful to preserve the periodical registers, and registers of intermediate resumptions.

XXXVIII. The courts of judicature, the Board of Revenue, and the collector, are enjoined to be particularly attentive to the preservation of the periodical registers, and registers of intermediate resumptions and occurrences, both in the English and native languages, and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XXXIX. The periodical register which is to be formed in the province of Benares at the commencement of the Fussily year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or any exempted lands that may have been separated from the province, and with the addition of any such lands that may have been annexed to it, or that may have been admitted upon the register by the Governor General in Council under Section 21, also new grants made by the Governor General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a *badshahee* grant, by a final decree of a court of judicature in a suit instituted under this regulation. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XL. If it shall be proved to the satisfaction of the judge of the *dewanny adawlut* of the city or any *sillah*, that a native officer of a collector, or of an assistant to a collector, shall have received, directly or indirectly, any sum of money or effects, or other property, from any person, for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants, dependants of a collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XLI. If any native servant, or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of *dewanny adawlut* of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months, and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property, and the collector or the assistant is to discharge such servant, and never to employ him in his public or private capacity.

Regulation not to be considered to extend to grants not *badshahee*.

XLII. *First.* No part of this regulation is to be considered to extend to lands held, or stated to be held, exempted from the payment of public revenue under grants not being of the description of those termed *badshahee* or royal, under the explanation of this term contained in clause first, Section 2. The rules applicable to such grants, are contained in Regulation XLI. 1795.

Nor to certain *mohauls* termed *peishcushy*.

Second. Nor to any of the *peishcushy mohauls* specified in Section 17, Regulation II. 1795.

* The words in Italic type are rescinded by Section 15, Regulation VIII. 1806.

A. D. 1795. REGULATION LVIII.

A REGULATION *for granting to the Collectors a Commission on the Jumma of Lands which may be subjected to the Payment of Revenue under Section* 26, *Regulation XIX. and Section* 21, *Regulation XXXVII.* 1793, *and Section* 26, *Regulation XLI. and Section* 21, *Regulation XLII.* 1795; *and for determining on what Amount such Commission, and the Commission granted to Collectors in Cases of Lands being adjudged liable to the Payment of Revenue in consequence of Prosecutions, shall be calculated; and for requiring the zillah and city Courts in the four Provinces, to transmit to the Collectors and the Board of Revenue, Copies of certain Decrees in Suits between Individuals respecting the Right to Land exempted from the payment of Revenue; and for defining of what Decrees regarding Malguzaree Land, the zillah and city Courts are to furnish the Collectors and the Board of Revenue with Copies under Section* 9, *Regulation IV.* 1793, *and Section* 4, *Regulation VIII.* 1795.—PASSED *by the Governor General in Council, on the* 28*th September* 1795; *corresponding with the* 14*th Assin* 1202 *Bengal era; the* 29*th Bhadoon* 1202 *Fussily; the* 14*th Assin* 1203 *Willaity; the* 29*th Bhadoon* 1852 *Sumbut; and the* 14*th Rubbee ul Awul* 1210 *Higeree.*

Preamble.

IT being deemed equitable that the collectors should be permitted to draw the same commission on the *jumma* of lands subjected to the payment of revenue in consequence of their not being registered, agreeably to Regulations XIX. and XXXVII. 1793, and XLI. and XLII. 1795, as they are allowed on the *jumma* of lands adjudged liable to the payment of revenue in consequence of prosecutions on the part of Government; and to determine on what amount such commission may be granted, in the event of a settlement of the resumed lands not being immediately concluded in perpetuity; and to provide for the regular transmission to the collectors, and to the Board of Revenue, of copies of all decrees passed in suits between individuals, affecting the right in, or possession of, landed property exempted from the payment of revenue to Government, that the alterations in such right or possession made by the said decrees, may be duly entered in the quinquennial registers; and doubts having arisen as to the description of decrees regarding or concerning land subject to the payment of revenue, of which copies are to be transmitted by the judges of the *zillah* and city courts to the collectors and the Board of Revenue; the Governor General in Council has enacted the following rules.

Collectors to receive a commission of twenty-five per cent. on lands resumed under Section 26, Regulation XIX. or Section 21, Regulation XXXVII. 1793, or Sect. 26, Regulation XLI. or Section 21, Regulation XLII. 1795.

II. The collectors shall receive a commission of twenty-five per cent. on the amount of the annual *jumma*, which may be assessed in perpetuity, on lands finally resumed and declared liable to be assessed with public revenue, under Section 26, Regulation XIX. 1793, or Section 21, Regulation XXXVII. 1793, or Section 26, Regulation XLI. or Section 21, Regulation XLII. 1795. The commission shall be paid to the collector, who shall discover and report to the Board of Revenue the omission of the registry of the lands, unless the Governor General in Council should deem it equitable in any particular case, to give the whole or a part of the commission to any other collector. If circumstances should prevent

What collectors are to be considered entitled to the commission.

How the commission of the collector shall be estimated, in case of exempted lands becoming subject to the payment of revenue, and a permanent settlement not being immediately made.

vent the forming of a permanent settlement of such lands, or of lands on which the collectors may be entitled to a commission under Section 13, Regulation XIX. and Section 8, Regulation XXXVII. 1793, and Section 13, Regulation XLI. and Section 8, Regulation XLII. 1795, it shall be at the option of the Governor General in Council to grant a commission on whatever amount he may deem an equitable *juzuma* for such lands.

Zillah and city courts to furnish copies of certain decrees by which the right to, or the property in, any lands exempted from the payment of public revenue may be altered.

III. The judges of the *zillah* and city courts in the four provinces, shall furnish the collectors of the districts in which the land may be situated, and the Board of Revenue, with a copy of every decree in suits between individuals, which they may pass, or which may be sent to them by superior courts to enforce, by which the right in, or possession of, any lands held exempt from the payment of public revenue, under whatever description of grant the same may be so held, may be affected, in order that the collectors may be enabled to make the necessary entries of the alterations in such right or possession, to be inserted in the quinquennial registers of lands held exempt from the payment of revenue, directed to be kept by Regulations XIX. and XXXVII. 1793, and XLI. and XLII. 1795. The copies of such decrees shall be transmitted by the judge within twenty days after the same may be passed or received by him.

Of what decrees copies are to be transmitted to the collectors and the Board of Revenue under Section 9, Regulation IV. 1793, and Section 4, Regulation VIII. 1795.

IV. The decrees regarding *mal-guzaree* land which the judges of the *zillah* and city courts in the four provinces are directed by Section 9, Regulation IV. 1793, and Section 4, Regulation VIII. 1795, to transmit to the collector of the *zillah*, and to the Board of Revenue, are hereby declared to be such decrees only as affect the proprietary right in, or possession of, the land.

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A. D. 1803. REGULATION XXIV.

A REGULATION *for trying the Validity of Titles of Persons, receiving, or claiming a Right to receive Pensions, under the Denominations of Saleanah, Rozeenah, or any other Description of Grant, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*—PASSED *by the Governor General in Council, on the* 24*th March* 1803; *corresponding with the* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1210 *Fussily; the* 12*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaad* 1217 *Higeree.*

Preamble.

THE following rules are prescribed for determining the continuance or discontinuance of the pensions payable in ready money, from the treasuries, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.

Pensions to be considered as property.

II. Pensions which may have been granted by the late Government, either wholly or in part, as indemnifications for *altumgah, uyma*, or other lands (held by *sunnuds* conferring a right in perpetuity) resumed by such Government, shall not be liable to resumption on the death of the persons who now receive them; notwithstanding that such resumption made part of the original order, issued for the confirmation of them; but are to be regarded as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for, and inherited, in the same manner as other property.

Certain pensions to determine on the demise of the party.

III. Pensions which may have been, in like manner, granted as an indemnification for lands resumed by the late Government, held only under a life tenure, shall be continued during the life time of the pensions who were in receipt of them at the time of the cession; whether they be the original grantees or their heirs.

Allowances for *khelats* to be granted to the *cauzy* and *mufty*.

IV. The *cauzies* and *mufties* of the principal cities, having always received *khelats*, or *shawls*, at the two *Eeds* or Mahomedan festivals, the expense thereof is to be defrayed by the judge and magistrate, in the usual manner, and at the customary rate.

Pensions to be continued during the lives of the persons who received them at the time of the cession, whether the original grantees or not.

V. *First.* Pensions which may have been granted by the late Government, to the indigent, aged, or helpless, under *tusheeqs*, or certificates, specifying that such pensions were to cease on the demise of the holders, shall be continued to the persons who received them at the period of the cession, during their respective lives, whether they be the original grantees or not; and notwithstanding that such pensions may have been granted by the *aumils*, provided they were regularly charged in the *aumils'* accounts, and admitted, or not struck off, by the late Government, they shall in like manner be continued to the present receivers, should it appear that they have been in the uninterrupted receipt thereof, during a period of three years, prior to the cession; or for such other period of time as from the circumstances of the case, and the situation and condition of the claimants, may reasonably constitute a prescriptive right to the continuance of the pension.

Claims to pensions, not paid for three years antecedent to the cession, to be submitted to the Board of Revenue.

Second. Where a claim may be preferred to a pension which shall not have been paid to the claimant for the period of three years, antecedent to the cession, and the collector may be of opinion, that the claim is of such a nature as to merit the consideration of Government: he shall submit the proceedings on the subject of such claim to the Board of Revenue,

venue, for the orders of the Governor General in Council, whatever may be the amount of the claim.

Pensions granted for religious purposes to be continued.

VI. Pensions granted to *fakeers* and other religious persons, for the purpose of lighting mausoleums or mosques, or for that of repairing them; as also to enable them to perform their religious ceremonies usual in the *mohurrum*, shall be continued; but pensions of this description are not to be considered as of a personal nature; and the collector shall be responsible for their being applied to the purpose for which they were bestowed.

Prescriptive right to be sufficient proof where written documents cannot be produced.

VII. Where written *tusheeas*, certificates, or other deeds, cannot be produced, the prescriptive right, arising from long receipt, shall entitle the claimant to a continuance of the pension.

In what manner the sum to be paid the pensioners, is to be ascertained and fixed.

VIII. In fixing the sum to be paid to the pensioners, the collector is not to be guided by the amount that may be stated in their respective certificates, by but the amount as may appear from the *pergunnah* or *zillah* accounts they were in the habits of receiving; provided such sum does not exceed that stipulated in the certificate, which shall in such case become the standard.

Pensions how issuable.

IX. All pensions are to be issued from the *zillah* treasuries, and are on no account to be deducted in the *pergunnah* from any particular article of revenue arising to Government.

For what future or renewed pensions the collector is to grant certificates.

X. For every pension which may be hereafter granted by the Governor General in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from the before-mentioned treasuries in the ceded countries, the collector shall deliver to the party by whom the pension is to be received, a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and the date of the grant.

Register of pensions to be kept.

XI. The collector is to keep a separate list of all pensions paid under this regulation, and is to number and register the certificates or *sunnuds*, and vouchers under which they are held, in a register in the English and Persian languages, to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may detect any future attempt to transfer them to others.

Pensions to be paid half yearly.

XII. The annual amount of pensions shall be paid in two equal payment, vis. at the *khurreef* and *rubby* harvests.

Rule for the payment of pensions exceeding one hundred sicca rupees per annum by the collector.

XIII. All persons receiving pensions exceeding one hundred sicca rupees per annum, are to attend the collector in person at the stated periods, to receive the amount of their respective pensions, and the collectors is prohibited from issuing any pensions, excepting to the parties personally; unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pension to their authorized *vakeels*, but he is to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

Rules for payment of pensions not exceeding one hundred rupees per annum by the tehsildar.

XIV. First. All pensions not exceeding one hundred sicca rupees per annum, shall be paid by the* tehsildar *of the* pergunnah *in which the pensioners may reside; the collector supplying him monthly with the funds necessary for that purpose, and furnishing him with a list of the persons entitled to such pensions. In issuing these pensions, the* tehsildars *are to be guided by the same rules and restrictions as are prescribed to the collector in Section* 13, *respecting the pensions exceeding one hundred rupees per annum, which are to be paid to the pensioners immediately by him. The* tehsildars *are to take receipts from the pensioners for their respective allowances, and transmit them to the collector. They are to report to the collector the death of any pensioner, the payment of whose allowance may have been entrusted to them, and any* tehsildar *who shall issue a pension without taking the prescribed precautions to ascertain that the person entitled thereto is in existence, or who shall appropriate to his own use the allowance of any*

* Sect. 14. and 15. are rescinded by Section 5, Regulation XI. 1813.

pensioner, or continue to any person not entitled thereto, the allowance of a deceased pensioner, with whose demise there shall be satisfactory grounds for believing he was acquainted, shall be liable to be dismissed from his office; upon such misconduct being proved to the satisfaction of the Governor General in Council.

Second. *Where there may be no* tehsildar, *the payment shall be entrusted to any trustworthy person.*

Payment how to be made where there is no tehsildar.

XV. Persons entitled to pensions of the nature set forth in Section 2. of this regulation, are not required to attend in person to receive their pensions, but may depute a vakeel, *or assign their right to another by a regular deed.*

Exceptions to Sections 13. and 14.

XVI. The continuance or discontinuance of all pensions, except those set forth in Section 2. of this regulation, shall, after the death of the persons who now receive them, depend solely on the pleasure of Government; and shall not be subject to cognizance or determination in any court of justice. It shall be the duty of the collector to see that all just and authorized pensions are duly paid; and where any person may deem himself aggrieved by the act of the collector in respect to a pension, it shall be competent to him to sue for redress in the civil court of the district.

Claim to the continuance of pensions, not subject to judicial cognizance; except such as are granted under Section 2.

XVII. The collector, under the rules above laid down, or such as may be hereafter prescribed, is authorised to decide on the claims preferred to him, to the amount of one hundred sicca rupees per annum, but no further; subject to an appeal, within one month from the date of the decision, to the Board of Revenue; and to a further appeal from their decision, within the same period, to the Governor General in Council.

Collectors to decide on pensions as high as one hundred rupees per annum.

XVIII. The collectors are to keep separate proceedings on the subject of the pensions to which this regulation relates, and submit a monthly abstract of them to the Board of Revenue.

Collectors to keep separate proceedings, and submit a monthly abstract to the Board of Revenue.

XIX. The collectors are to transmit their proceedings on all claims to pensions exceeding one hundred sicca rupees per annum, including their opinion on each case, to the Board of Revenue, who are to submit the proceedings, with their sentiments on the several claims, for the orders of the Governor General in Council.

To submit proceedings on pensions exceeding one hundred sicca rupees per annum, with opinion, to the Board of Revenue, for the orders of the Governor General in Council.

A. D. 1803. REGULATION XXXI.

A REGULATION *for trying the Validity of the Titles of Persons holding or claiming a Right to hold, Lands exempted from the Payment of Public Revenue, under Grants not being Badshahee or Royal Grants, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; for determining the Amount of the annual Assessment to be imposed on Lands so held, which may become subject to the Payment of public Revenue; and for forming a periodical Register of all Lands held exempt from the Payment of public Revenue under Grants not being Badshahee or Royal.*—PASSED *by the Governor General in Council, on the 24th of March,* 1803; *corresponding with the* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1209 *Fusily; the* 11*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaad* 1217 *Higeree.*

Preamble.

BY the ancient law of the country, the ruling power is entitled to a certain proportion of the annual produce of every *beegha* of land, excepting in cases in which that power shall have made a temporary or a permanent alienation of its right to such proportion of the produce, or shall have agreed to receive, instead of that proportion, a specific sum annually, or for a term of years, or in perpetuity. As a necessary consequence of this law, grants made by *zemindars* of any part of their lands to be held exempt from the payment of revenue were considered to be void, such grants being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Under the native Government, however, numerous grants of this description were made, not only by the *zemindars*, but by *aumils* and other officers of Government appointed to the temporary superintendence of the collection of the land revenue, under the pretext, that the produce of the lands was to be applied to religious or charitable purposes. Of these grants, some have been applied to the purposes for which they were professed to have been made; but there are grounds for believing, that they were generally given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the grantor, or sold to supply his private exigencies. The Governor General in Council has determined to confirm to the grantees such of these grants as were made, by a competent authority, prior to the 1st of January 1801; and also all grants made at any period of time exceeding twelve years antecedent to the date of the transfer of the provinces ceded by by the Nawaub Vizier to the Honorable the English East India Company; provided, that the grantee, in both cases, shall have had actual possession of the lands from the date of such grant. But grants which were made for life only being resumable on the death of the grantee; and many persons being supposed to possess lands exempt from the payment of revenue under fabricated or invalid grants, or to have succeeded to life grants on the demise of the original grantee, or former possessor, without the sanction of the Government; it is proper that the public dues thus alienated or retained, in opposition to the ancient and existing laws of the country, should be reannexed to the public resources. It is likewise necessary that provision should be made for resuming the public revenue arising from lands the grants for which may hereafter

which may have been subjected to the payment of revenue for the period of twelve years prior to the 10th of November 1801; or which may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, unless sufficient cause be shown for not having preferred the claim within that period.

All grants made or confirmed since the 1st of January 1801, excepting by the authority of Government, or its officers duly empowered, declared invalid.

Courts how to proceed, in the event of their entertaining doubt of the authority of the officer to confirm the grant.

Questions regarding the proprietary right in lands alienated before the promulgation of this regulation, and adjudged liable to the payment of revenue to be determined in the *adawlut*, this regulation with respect to such lands relating only to the revenue.

The revenue assessable on all lands which shall be adjudged or become liable to the payment of revenue, under this regulation, declared to belong to Government.

Under what rules lands rendered liable to the payment of revenue by this regulation are to be assessed.

Grants made since the promulgation of this regulation declared null and void.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 1st day of January 1801, corresponding with the 19th Poose 1207 Bengal era, the 1st Maug 1208 Fussily, and the 19th Poose 1208 Willaity, by any other authority than that of the British Government, and which may not have been confirmed by the Governor General in Council, or by an officer empowered to confirm them, are declared invalid.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

IV. This regulation, as far as regards lands alienated previously to the promulgation of it, respects only the question, whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previously to the promulgation of this regulation, and which, in conformity thereto, may become subject to the payment of revenue, is to be considered as a matter of a private nature, to be determined by the courts of *adawlut*, in the event of any dispute or claim arising respecting it between the grantee and the grantor, or their respective heirs, or successors. The grantees, or the present possessors, until dispossessed by a decree of the *adawlut*, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates, subject to the payment of revenue; and they are to execute engagements for the revenue with which their lands may be declared chargeable, under the rule stated in Section 5. of this regulation. If the proprietary right in the land shall be transferred, by the decision of the *adawlut*, the person succeeding thereto is in like manner to be responsible for the payment of the revenue assessed, or chargeable, thereon.

V. *First.* The revenue assessable on all lands which shall be adjudged or become liable to the payment of revenue, under the present regulation, is declared to belong to Government.

Second. The revenue payable to Government shall be regulated by the rules prescribed by Regulation XXVII. 1803, for concluding the settlement of lands paying revenue to Government; and by any subsequent rules which may be prescribed, relative to the assessment of lands subject to the payment of revenue to Government. If the proprietor shall not agree to the assessment so fixed, a report of his objections, and of the circumstances of the case, shall be made by the collector of the district, through the Board of Revenue, for the information of the Governor General in Council, who will determine on the amount of the assessment; and if the proprietor shall refuse to engage for the same, the lands shall be let in farm, or held *khas*, under the rules contained in the existing regulations.

VI. All grants for holding land exempt from the payment of revenue that may be made, after the promulgation of this regulation, by any other authority than that of the Governor General in Council, are declared null and void; and no length of possession shall be hereafter considered to give validity to any such grant, either with regard to the property in the soil, or the rents of it. Every person who now possesses, or may succeed to the proprietary right in any estate, or dependant *talook*, or who now holds, or may hereafter hold any estate or dependant *talook* in farm of Government, or of the proprietor, or any other person, and every officer of Government appointed to make the collections from any estate or *talook* held *khas*, is authorized and required to collect the rents from such lands at the rates of the *pergunnah*, and to dispossess the grantee of the proprietary right in the land, and to reannex it to the estate or *talook* in which it may be situated, without making previous application to a court of judicature, or sending previous or subsequent notice of the dispossession or annexation to any officer of Government; nor shall any such proprietor, farmer, dependant *talookdar*, be liable to an increase of assessment on account of such grants which he may resume and annul, during the term of the engagements that he may be under for the payment of the revenue of such estate or *talook* when the grant may be so resumed and annulled. The managers of the estates of disqualified proprietors, and of joint undivided estates, are authorized and

* Managers of estates to exercise, on behalf of the

and required to exercise, on behalf of the proprietors, the powers vested in proprietors by this Section.

VII. It is to be the duty of the collectors, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section 9, to prosecute in the court of* adawlut, *on behalf of Government, for the recovery of the public dues from the lands that are declared by this regulation subject to the payment of revenue; and no lapse of time shall be considered as a bar to the recovery of the public dues from such lands.*

VIII. The collectors shall receive a commission of twenty-five per cent. on the amount of the jumma *which may be assessed on land adjudged liable to the payment of revenue to Government, in consequence of suits which may be prosecuted by them to a final judgment. If circumstances should prevent the formation of the settlement of such land, it shall be at the option of the Governor General in Council to grant the commission on whatever amount he may deem an equitable* jumma *for the land in question. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office of collector of the* zillah *in which the lands may be situated, shall not be entitled to any commission, in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the collectors who may prosecute them to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the collectors by whom the suits may have been instituted, or to collectors who may have succeeded the collectors who instituted the suits, and preceded the collectors by whom they may have been prosecuted to a final decision.*

IX. When a collector shall have ground to believe, that any land within his collectorship, is held exempt from the payment of revenue under an invalid title, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them grounds to believe, that the land is liable to the payment of revenue, are empowered to order the collector to institute a suit for the recovery of the public dues; The Board of Revenue are likewise empowered, previously to ordering the institution of the suit, to authorize the collector to demand from the proprietor, by a written requisition, under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody, by a time to be limited in the requisition, all the writings in virtue of which he may possess such lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the proprietor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall, at the same time, impose such daily fine on the proprietor as they may judge proper, upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the proprietor shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and to collect the rents on account of Government, until the proprietor shall produce the writings, or the lands shall be adjudged liable to the payment of revenue. If the proprietor shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing, or in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause, to the satisfaction of the court, for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding land exempt from the payment of revenue to produce his title deeds or writings, (excepting for the registry of them by the publication specified in Section 20), or to insti-

proprietors, the powers vested in proprietors by this section.

Collectors to prosecute for the recovery of the public dues from the lands declared by this regulation subject to the payment of revenue. No lapse of time to be a bar to the recovery of the public dues.

Commission of twenty-five per cent. to be received by collectors on the permanent jumma of lands adjudged liable to the payment of revenue in consequence of suits prosecuted by them to a final decision.

Circumstances preventing the formation of the settlement of such land, it is at the option of the Governor General in Council to grant a commission on whatever amount he may deem an equitable jumma.

Collectors instituting suits, but not prosecuting them to final judgment, not to receive commission, excepting in the cases herein specified.

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid tenure.

Board, if they see grounds, empowered to order the collector to sue for the recovery of the public dues,

and may require the proprietor to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition,

and levy the amount in the same manner as arrears of revenue,

and attach the lands upon his not complying with the second requisition.

Proprietors denying that they have any writings, not to be allowed to avoid themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the proprietor of a grant, his title deeds, or instituting a suit

* Rescinded by Section 2, Regulation VIII. 1811, and by clause first, Section 2, Regulation II 1819.

against him, without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the collectors.

tute a suit for the recovery of the dues of Government from such exempted lands, without obtaining the previous orders of the Board of Revenue for that purpose. Such suits, if the Board of Revenue shall approve of the prosecution of them, are to be carried on by the collectors, and to be decided upon under this regulation. The Board of Revenue are empowered, without receiving any previous report from the collectors, to order suits to be instituted for the recovery of the public dues from lands which they may have ground to believe are held under invalid titles.

Collector to defend suits instituted by individuals to hold land exempt from the payment of revenue.

Vakeel of Government to defend or prosecute suits instituted against, or by Government.

Rules to be observed by the collector in the event of Government being cast wholly, or in part.

X. The collectors of the revenue are to defend all suits that may be instituted against Government, by any individual claiming a right to hold lands exempt from the payment of public revenue; and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended and prosecuted by the *vakeel* of Government, under the instructions of the collector; and in the event of Government being cast, either wholly or in part, or, if the collector shall be dissatisfied with the decree in any respect, all the rules contained in Section 33, Regulation XXVII. 1803, and the other sections in that regulation, respecting decisions given against a collector in any *zillah* court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the *zillah* court to be preferred to the provincial court of appeal, or against the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they will report their reasons, in both cases, for not preferring the appeal to the Governor General in Council, who will direct the cause to be appealed or not in either case as shall appear to him proper.

Courts to award adequate costs and damages in cases of litigious, vexatious or groundless prosecutions being instituted under this regulation.

XI. If a suit shall be brought before a court of judicature by the collector, or any officer of Government, for the recovery of the revenue of lands now held exempt from the payment of revenue, or by any individual, to hold exempt from the payment of revenue lands which are now subject to the payment of revenue, and it shall appear to the court that the suit was instituted upon insufficient grounds, or from vexatious or other unjustifiable motives, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable, upon a consideration of the circumstances of the case.*

Grants forged or altered in any respect, declared void.

XII. If it shall appear to any court of judicature, during the course of a trial, that a grant for land to be held exempt from the payment of revenue, has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Persons concerned in the fraud liable to a criminal prosecution.

XIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion, that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case) to take his trial before the court of circuit.

Proprietors of land adjudged subject to the payment of revenue, to pay the jumma from the date of the first decision, adjudging the land not exempt.

XIV†. The proprietor of a grant of exempted land, which may be adjudged liable to the payment of revenue, shall not be required to refund any part of the collections which he may have made from the land previously to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the zillah *court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall pay the* jumma *which may be assessed upon the lands from the date of such first decree, adjudging the land subject to the payment of revenue.*

* Rescinded by Section 2, Regulation VIII. 1811, and by clause first, Section 2, Regulation II. 1819.

† Rescinded by clause second, Section 2, Regulation II. 1819.

XV. Grants of land, which, from the terms of the grant, or the nature of the tenure, are hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise; and all persons succeeding to such grants by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser; and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this regulation.

Cases in, and rules under, which certain grants are to be transferrible.

XVI. *First.* When any land held exempt from the payment of revenue to Government shall be finally adjudged liable to the payment of revenue, under this regulation, the name of the *pergunnah*, (or other local division where there may be no *pergunnah*) *sircar*, and *soubah*, in which the land may be situated, with the exact number of villages, or other subdivisions, comprized therein, as particularized in the *pergunnah* register directed to be kept by Regulation XLII. 1803, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions directed to be kept by Section XXVIII. and opposite to such entry the collector is to insert, in red ink, the number of the page in the periodical register directed to be kept by Section 17, in which the lands may stand recorded, and in the periodical register, he is to specify, in red ink, the number of the page in the register of intermediate resumptions in which the degree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section 16, Regulation XLII. 1803, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the abovementioned regulation. The collector is to insert, in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations, in which the above required entries may be made; and he is also to specify, in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions, in which the entries respecting the lands may be inserted.

Record of lands adjudged liable to the payment of revenue where to be made.

Second. If any land paying revenue to Government shall be finally adjudged, under this regulation, to be exempted from the payment of revenue, the name of the *pergunnah*, (or other local division where there may be no *pergunnah*,) *sircar*, and *soubah*, in which the land granted may be situated, with the exact number of villages, or other subdivisions, comprized therein, as particularized in the *pergunnah* register directed to be kept by Regulation XLII. 1803, the name or names of the proprietor or proprietors, the amount of the *jumma*, and a copy of the decree, are to be entered in the register of intermediate mutations; and the collector is to insert, in red ink, opposite to such entry, the number of the page in the last formed quinquennial register in which such village or villages in which the lands may be situated may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment of revenue; and the collector shall insert, in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken. The rules in this clause are to be observed, likewise, in case the Governor General in Council should deem it proper, from particular circumstances, to renew any former grants, the land included in which may be now subject to the payment of revenue.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made.

Rule to apply to old grants renewed by Government.

XVII. That Government and its officers may, at all future periods, have in their possession a complete register of the lands throughout the ceded provinces, held exempt from the payment of revenue, under grants of the nature of those described in this regulation,

Register of lands held exempt from the payment of revenue, under grants described in this regula-

tion, to be formed every five years.

Contents of the register.

Collectors enjoined to take the utmost care that the contents of the register are exactly conformable to the *pergunnah* register; and are to furnish the officers appointed to prepare the register with particular instructions for this purpose.

Denomination of the register.

Board of Revenue to prepare a form for the periodical register.

Collectors to adhere to the form.

Holders of land exempt from the payment of revenue allowed one year to register them from the time specified in Section 20.

Publication to be made requiring all persons to register their grants.

The prescribed publication to be fixed up in the collectors' *cutcherries*, and in the *cutcherries* of the courts of judicature.

Publication.

tion, and with a view to prevent any such grants being made in future, a register of all lands, held exempt from the payment of revenue under grants made previously to the 1st of January 1801, or since exempted from the payment of revenue by the authority of Government, shall be formed every five years in each *zillah*. The register is to specify the denomination of each grant, whether *bermooter*, *bishunpeerit*, *kishnarpun*, or other tenure; the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship exists, and in virtue of what right he succeeded to the grant; the date of the grant, the name of the *pergunnah*, (or other local division where there may be no *pergunnah*,) *sircar*, and *soubah*, in which the land granted may be situated, with the exact number of villages, or other subdivisions comprised therein, as particularized in the *pergunnah* register, directed to be kept by Regulation XLII. 1803. The collectors are enjoined to take the utmost care, that the names of the *pergunnahs*, (or other local divisions where there may be no *pergunnahs*,) as well as the number of villages or other subdivisions stated to be in each, are exactly conformable to the *pergunnah* register; and are to furnish their native officers appointed to prepare the counterpart registers with particular instructions for this purpose. The register shall be denominated the "periodical register of lands held exempt from the payment of revenue under grants not being *badshahee* or royal grants."

XVIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collectors, who are strictly enjoined to adhere to it.

XIX. All persons actually holding lands exempt from the payment of public revenue, in virtue of grants made previously to the 1st January 1801, and whether made or confirmed by the Government of the country for the time being, or by any other authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue of the *zillah* in which the lands may be situated.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each *zillah*, upon the receipt of this regulation, is to cause the following publication, which shall be written in the Persian language and the Hindoostance language and Nagree character, and attested with their official seals and signatures, to be fixed up in the principal *cutcherree* of every *tehsildar*, and of every proprietor and farmer of land in the *zillah* paying revenue immediately to Government; and of every native collector in lands held *khas* by Government; and where the estate of any proprietor with whom a settlement shall have been concluded, or the farm of any farmer, or lands held *khas*, shall consist of two or more whole *pergunnahs* or portions of *pergunnahs*, he shall cause the publication to be fixed up in the principal *cutcherree* in each *pergunnah*, or portion of a *pergunnah*, comprised in such estate, farm, or *khas* lands, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it. The collectors are further required to cause the prescribed publication to be fixed up in their own *cutcherrees*, and in the *cutcherrees* of the courts of judicature within their respective *zillahs*, for general information.

"In conformity to Regulation XXXI. 1803, every person being actually in possession of *bermooter*, *bishunpeerit*, *kishnarpun*, or other land, now exempt from the payment of revenue, in the estate of ———, or the farm of ———, or the *khas* lands under the charge of ———, and which may be held in virtue of any grant made previously to the first day of January, 1801, corresponding with the 1st Maug 1208 Fussily, the 19th Poose 1208 Willaity, and whether made or confirmed by the Government of the country for the time being, or its officers, or any other authority, are required to register the following particulars respecting such lands in the office of the collector of the *zillah*, before the expiration of one year from the date of this publication. If any holders of such grants shall not so register their grants either in person, or by *vakeel*, with a *vakalutnamah*, attested by two credible witnesses, and given for the express purpose of registering the grant, the lands will be considered liable to the payment of revenue, in the same manner as if they had been adjudged to be so by a final decree of a court of judicature. Persons having claims only to hold

land exempt from the payment of revenue, but who do not now hold the land exempt from the payment of revenue, are not to register the land so claimed by them.

Denomination of the grant, whether *bishunpeerit*, *bermooter*, *kishnarpun*, or other tenure.

Name of the grantor.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the deed, if the grant be in writing, and if not, date on which the grant was made.

The name or names of the village or villages comprised in the grant, or in which the land may be situated.

The measurement of each village or the villages, or the land included in the grant.

The *pergunnah* or *pergunnahs* in which the lands may be situated.

A copy of the original grant, or other writings, under which the land may be held.

Lands not registered within the prescribed time declared subjected to the payment of revenue, unless the Governor General in Council shall admit them upon the register.

XXI. If any person in possession of any such grant of land now held exempt from the payment of revenue, shall omit to register it by the time prescribed in the publication, together with an accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant shall, by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree of a court of judicature; and the collector shall proceed to assess the lands accordingly. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause to his satisfaction for not having registered it within the limited period; and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants, as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered invalid.

XXII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared invalid, as far as regards the exemption from the payment of revenue; and the land shall be assessed with revenue as directed in Section 21.

Registry of lands not to be considered as an admission of the possessor's proprietary right in the soil, nor of his title to hold the land exempt from the payment of revenue.

XXIII. It is expressly declared, however, that the registry of grants under this regulation is not to be considered as an admission of the right of the person in whose name they may be registered to the property in the soil, or of his title to hold the lands exempt from the payment of revenue. Any person will be at liberty to sue him in the court of *adawlut* for the former, and he will be liable to be sued for the recovery of the latter, by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board, that the lands are liable to the payment of revenue.

Collectors to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscription on the back of the register.

Book to be paged, and each page to be attested by the judge of the *zillah*.

Judge to specify the number of pages in the book on the last leaf.

XXIV. Upon the expiration of the period for registering the grants in each *zillah*, the collector shall prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and cause it to be transcribed into a book of such dimensions as they may direct. The books shall have the following inscription on the back of it:—"Periodical register formed under Regulation XXXI. 1803, of lands helds held exempt from the payment of revenue, under grants not *hadshahee* or royal, in the *zillah* of ———, at the commencement of the Fussily year ———, corresponding with the year of our Lord ———. Number ———." Each leaf of the book shall be paged, and be signed by the judge of the court of *adawlut* of the *zillah*, and on the last leaf of the book, he is to note, in his own hand writing, the number of pages in the book, and subscribe the note with his signature; and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

Second periodical register to commence with the

XXV. The second periodical register is to commence with the Fussily year 1215. This register is to be numbered two, and the periodical register to be prepared, at the commence-

year 1815, to be numbered two, and the subsequent registers in their order.

ment of every subsequent five years, are to be numbered in the order in which they may be formed.

Counterpart register in the native language to be kept by the keepers of the native records.

XXVI. The keepers of the native records are to keep an exact counterpart of the English periodical register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *adawlut* of the *willah*, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart register is to be kept.

XXVII. The counterpart register is to be kept in the Persian language.

Manner in which resumptions and other occurrences regarding exempted lands in the intervals between the forming of the periodical registers are to be recorded.

XXVIII. For the purpose of recording all resumptions, or other occurrences respecting the lands which form the subject of this regulation, that may take place during the interval of the five years between forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "the register of intermediate resumptions, or other occurrences respecting grants of exempted land not *badshahee*," and shall have the following inscription on the back, "Register under Regulation XXXI. 1803, of intermediate resumptions or other occurrences respecting lands held exempt from the payment of revenue, under grants not *badshahee* or royal, in the *willah* of————, between the commencement of the year———— Fussily." Previously to any entries being made in this register, it is to be paged, and the judge of the court of *adawlut* of the *willah* is to sign each leaf of it, and, on the last leaf, note in his own hand writing the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register all grants not registered within the time prescribed in the publication in Section 20, which the Governor General in Council may order to be admitted upon the register under Section 21; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land, now subject to the payment of revenue, which the Governor General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from or annexed to the jurisdiction of the *willah*; with the authority for these several occurrences; and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to Government, in the cases specified in Section 16, in which entries are directed to be made in that register.

Documents respecting exempted lands to be furnished by collectors of *illaks*, from which separations may be made.

XXIX. When *mahauls* are ordered to be separated from one *willah* and annexed to another, the collector of the *willah* from which the separation is to take place is to transmit to the collector of the *willah*, to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the lands held exempt from the payment of revenue in such *mahauls*; and also of any entries respecting them in the register of intermediate resumptions which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the collector of the *willah* from which the separation may be directed to be made, is to transmit to the judge of the court of *adawlut* of his *willah*, and also to the provincial court of appeal, copies of the entries in the last periodical register and register of intermediate resumptions, which may relate to the grants to be separated from his *willah*; and the collector to whose *willah* the annexation may be made, is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding section) to the judge of the *willah*, and to the provincial court of appeal. Immediately upon the receipt of these papers, the courts, from the jurisdiction of which the separations may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation may become cognisable in any other provincial court of appeal, or *willah* court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collectors enjoined never to allow the register

XXXI. The collectors are to attest all entries in the register of intermediate resumptions with their official signatures; and they are strictly enjoined never to allow the register of in-

termediate resumptions to fall in arrear, but to make the necessary entries immediately upon any resumption or other occurrences taking place.

of Intermediate resumptions to fall in arrear.

XXXII. A counterpart of the register of intermediate resumptions is to be kept by the keepers of the native records in the same form as the English register, and in a book, the leaves of which are, in like manner, to be paged and attested by the judge of the court of *adawlut* of the *zillah*.

Counterpart of the English register of intermediate resumptions to be kept by the keepers of the native records.

XXXIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the *zillah*, as directed in Section 24, if it shall be discovered, that the entries respecting any land are erroneous, or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand; and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions, and to attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entry in the periodical register, the number of the page in the register of intermediate resumptions in which the errors or omissions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions are to be noted in a similar manner.

How errors in the fair copy of the periodical register and in the register of intermediate resumptions are to be corrected.

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions in the country languages shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Similar rule with regard to errors in the counterpart registers in the native languages.

XXXV. If the proprietary right in any grant of exempted land shall be under litigation in a court of justice, at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Persons in possession of disputed grants to be registered as the proprietors.

XXXVI. If a collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose, under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper, on a consideration of his situation and circumstances in life and of the case, until he shall furnish the information required, unless he shall prove, to the satisfaction of the Board, that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collectors in the several *zillahs* with such records or information as they may possess regarding the exempted lands in their respective *zillahs*, as well to assist them in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands, now held exempt from the payment of revenue, are liable to the payment of revenue under this regulation.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective *zillahs*.

XXXVII. The collectors of the several *zillahs* are to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers, both in the English and the Persian languages, each in a book of the prescribed size, paged and attested by the judge of the court of *adawlut* of the *zillah*, in the same manner as the original register, as directed in Section 24, and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Fussily year, an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding month. Whenever the *zillah* courts, or the provincial court of appeal, may have occasion to refer to any of the registers prescribed by the present regulation, they are authorized to require from the collectors the production of the original register, or an attested copy of such part thereof as may contain the required information. The collectors, on the receipt of such requisition, are immediately to transmit the original register, if it can be sent without inconvenience, under the care of one of their native officers, in whose custody it is to remain till returned;

To whom the collectors are to send copies of each periodical register, and of the quarterly entries in the register of intermediate resumptions.

How the courts are to proceed, whenever they have occasion to refer to any of the registers.

or if the original register cannot be conveniently sent, are to transmit, without delay, an accurate copy of such part thereof as may be required, under their official signature. In like manner, the Board of Revenue, on the requisition of the Sudder Dewanny Adawlut, are to furnish any *zillah* register received by them which may be required by that court; or a copy, attested by the signature of their secretary or accountant, of any part thereof which may be required. In the event of any register required by a court of justice not having been prepared, and the period fixed for its preparation having elapsed, the collector is to explain to the court the cause of such register not having been prepared; and the explanation so given is to be transmitted by the court receiving it to the Governor General in Council. Any person succeeding to the office of collector, or invested with the temporary charge of such office, is also required, immediately on his taking charge, to ascertain whether the prescribed register have been duly prepared; and if not, to report the same to the Board of Revenue, with any explanation he may have received of the omission, for the information of the Governor General in Council.

Courts to report to Government the explanations given by collectors not for having the registers completed within the prescribed periods.

Collectors or acting collectors, on taking charge, to ascertain whether the registers have been duly prepared, and if not, to report the same to the Board of Revenue for the information of Government.

The Board of Revenue, and the collectors, to be careful to preserve the old periodical registers and registers of intermediate resumptions.

From what materials the periodical register commencing with 1215, and subsequent registers, are to be formed.

XXXVIII. The Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions, both in the English and Persian languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

XXXIX. The periodical register which is to be formed in each of the *zillahs* at the commencement of the Fussily year 1215, at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another *zillah*, and with the addition of any such grants of land that may have been annexed to the *zillah*, or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor General in Council under Section 21. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Zillah courts to furnish the collectors of the districts in which the land may be situated, and the Board of Revenue, with a copy of every decree in suits between individuals which they may pass or have sent to them to be enforced, affecting the right in, or possession of, any lands held exempt from the payment of public revenue.

Copies of such decrees to be transmitted within twenty days after the same may be passed or received.

Penalty for native officers receiving money or property on account of the registry of grants.

Penalty for private servants or dependants of a collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XL. The judges of the *zillah* courts shall furnish the collectors of the districts in which the land may be situated, and the Board of Revenue, with a copy of every decree in suits between individuals, which they may pass, or which may be sent to them by superior courts to enforce, by which the right in, or possession of any lands held exempt from the payment of public revenue, under whatever description of grant the same may be so held, may be affected, in order that the collectors may be enabled to make the necessary entries of the alterations in such right or possession, to be inserted in the periodical registers of land held exempt from the payment of revenue. The copies of such decrees shall be transmitted by the judge within twenty days after the same may be passed or received by him.

XLI. If it shall be proved, to the satisfaction of the judge of the court of *adawlut* of any *zillah*, that a native officer of a collector, or of an assistant to a collector, shall have received, directly or indirectly, any sum of money, or effects, or other property, from any person for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

XLII. If any native servant or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of *adawlut* of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the six months, he shall be confined

until he makes good the amount or it shall be realized from the sale of his property; and the collector, or assistant, is to discharge such servant, and never to employ him in his public or private capacity.

Rules respecting life grants, applicable to grants for a term.

XLIII. All the rules in this regulation respecting lands now held, or that may be claimed to be held, exempt from the payment of revenue, under life grants made previously to the 1st day of January 1801, are to be considered equally applicable to grants made prior to that date for a term only.

This regulation not to be considered to extend to *badshahee* grants.

XLIV. No part of this regulation is to be considered to extend to *jaghire*, *altumgah*, *muddud-maash*, *ayma*, or other grants of land termed *badshahee* or royal, and held, or stated to be held, under a royal *furman*. The rules applicable to such grants are contained in Regulation XXXVI. 1803.

A. D. 1803. REGULATION XXXVI.

A REGULATION *for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of public Revenue, under Badshahee or royal Grants, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; for determining the Amount of the annual Assessment to be imposed on Lands so held, which may become subject to the Payment of public Revenue; and for forming a periodical Register of all Lands, held exempt from the Payment of public Revenue, under Badshahee or royal Grants.*—PASSED *by the Governor General in Council, on the 24th of March* 1803; *corresponding with the 12th Chyte* 1209 *Bengal era; the 16th Chyte* 1210 *Fussily; the 11th Chyte* 1210 *Willaity; the 16th Chyte* 1860 *Sumbut; and the 29th Zekaad* 1217 *Higeree.*

Preamble.

BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every *beegha* of land, unless it transfers its right thereto for a term, or in perpetuity. As a necessary consequence of this law, every grant or alienation of the Government's proportion of the produce of lands without its sanction, was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native government, grants were occasionally made of the Government's share of the produce of lands for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government has determined to continue to the grantees or their heirs, such of these grants as were hereditary, and were made prior to the 1st of January 1801; provided the grantees or their heirs had obtained possession previous to that date; but that grants which were for life only, shall be invariably considered as resumable on the death of the grantees. No complete register of these grants having been formed under the native government, many persons are supposed to have retained possession of lands under fabricated or irregular grants, or to have succeeded to life grants on the demise of the original grantee, or former possessor, without the sanction of Government. The Governor General in Council deems it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands, the grants for which might expire; but he is at the same time equally solicitous that persons holding lands under grants that are declared valid, should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice or extortion in the inquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants (provided the grantees or persons in possession register their grants as required in this regulation) shall be tried in the courts of judicature, that no such grants may be resumed until the title of the grantee or present possessor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government;

vernment; and further, that Government and its officers may at all times have in their possession a correct register of the lands in the several *villahs*, held exempt from the payment of revenue under *badshahee* grants, the following rules have been enacted.

Definition of the term *badshahee* grant.

II. *First.* The term *badshahee* grant shall be construed to extend to all grants made by the supreme power for the time being, and consequently to include grants of the following description. Firstly, royal grants, properly so called: Secondly, grants made by the *subadhars* of Oude, and by the Nawaubs of Furruckabad: Thirdly, grants in Rohilcund, made by the princes of that country prior to the 23d of April 1774.

Badshahee grants made previous to the 1st January 1801, declared valid, provided the grantee obtained possession before that date, and has since held possession.

Grants made before the 1st January 1801, of no validity, if possession was not obtained prior thereto, or the grant has since been resumed by authority.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have resumed *badshahee* grants of land made before the 1st January 1801.

Second. Altumgah, jaghire, ayma, muddudmaash, or other *badshahee* grants, for holding land exempt from the payment of revenue, made previous to the 1st January 1801, shall be deemed valid; provided the grantee, actually and *bonâ fide*, obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of Government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 1st January 1801, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers, or the orders of Government, the grant shall not be deemed valid.

Third. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a *badshahee* grant made previous to the 1st January 1801, and on its being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subject to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to resume the grant and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant; and upon receiving the determination of the Governor General in Council, the court is to decide accordingly.

Persons not being the original grantees, not to be entitled to hold lands exempt from the payment of revenue.

Fourth. But no part of the preceding clauses, is to be construed to empower the courts to adjudge any person, not being the original grantee, entitled to hold land paying revenue to Government, exempt from the payment of revenue, under a *jagh ee* or other grant made previous to the 1st January 1801, where the grant may expressly specify it to have been given for the life of the grantee only; or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Nor to entitle the heirs of persons now possessing exempted lands under life-grants made previous to the 1st January 1801, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Fifth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a *jaghire*, or other *badshahee* life-grant, made previous to the 1st January 1801, to succeed to, and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the grant may expressly specify it to have been given for the life of the grantee only; or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country.

The present possessor of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

Sixth. The present possessors of lands now exempt from the payment of revenue under such *jaghire* or other life-grants made previous to the 1st January 1801, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives; and all such transfers and mortgages which have been, or may be made, are declared illegal and void.

All grants made or confirmed since the 1st January 1801, excepting by the authority of Government, or its officers duly empowered, declared invalid.

III. *First.* All *badshahee* grants for holding land exempt from the payment of revenue, which may have been made since the 1st January 1801, by any other authority than that of the British Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise, and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

IV. It is to be understood that this regulation respects only the Government proportion of the revenue arising from lands held or claimed to be held under *badshahee* grants, and whether Government is entitled to resume or retain such revenue or otherwise. Every dispute or claim regarding the *zemindaree* or proprietary right in lands included in any grant, is to be considered as a matter of a private nature between the contending parties, and is to be determined in the court of *adawlut*.

Questions regarding the proprietary right in lands included in grants, to be determined in the court of *adawlut*.

V. When a *jaghire*, or other life-grant shall escheat to Government, the collector is immediately to attach the revenue of the lands, and report the circumstance to the Board of Revenue, who are to obtain the orders of the Governor General in Council, regarding the resumption of the grant.

Collectors to attach the revenue of lands in escheated grants.

VI. When any *badshahee* grant shall be resumed, or expire, or escheat to Government, the revenue to be paid to Government from the lands included in it shall be assessed, and the settlement made, agreeably to the rules prescribed in Regulation XXVII. 1803, with the person possessing the *zemindaree* or proprietary right in the lands, whoever he may be. If the proprietor shall refuse to pay the *jumma* demanded of him, the lands shall be held *khas*, or let in farm, as directed in that regulation.

Lands included in resumed grants to be assessed, and the revenue to be paid by the proprietor, according to Regulation XXVII. 1803.

VII. It shall be the duty of the collectors, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section 9. to prosecute in the court of* adawlut *on behalf of Government, for the resumption of grants which are declared invalid by this regulation, and no lapse of time shall be considered as a bar to the resumption of such grants.*

Collectors to prosecute for the resumption of grants which are declared invalid.

No lapse of time to be a bar to the resumption of grants.

VIII. The collectors shall receive a commission of twenty-five per cent. on the amount of the jumma *which may be assessed on the land contained in grants which may be resumed in consequence of suits prosecuted by them to a final judgment. If circumstances should prevent the formation of the settlement of such land, it shall be at the option of the Governor General in Council to grant the commission on whatever amount he may deem an equitable* jumma *for the land in question. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office of collector of the* zillah *in which the lands may be situated, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the collectors who may prosecute the suit to a final judgment, as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the collectors by whom the suits may have been instituted, or to collectors who may have succeeded the collectors who instituted the suits, and preceded the collectors by whom they may have been prosecuted to a final decision.*

Commission of twenty-five per cent. to be received by collectors on the jumma *of lands included in grants resumed in consequence of suits prosecuted by them to a final decision.*

How the commission of the collectors shall be estimated, in case of exempted lands becoming subject to the payment of revenue, and a settlement not being immediately made.

Collectors instituting suits, but not prosecuting them to final judgment, not to receive commission, excepting in the cases herein specified.

IX. When a collector shall have reason to believe, that land is held by any person exempt from the payment of revenue under a grant that is declared invalid by this regulation, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the grant is invalid, are empowered to order the collector to institute a suit for the resumption of it. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the collector to demand from the grantee, or person in possession, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody, by a time to be limited in the requisition, all the writings in vir-

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid grant.

Board, if they see grounds, empowered to order the collector to sue for the resumption of the grant, and may require the person in possession to deliver up his title deeds;

* Rescinded by Section 2, Regulation VIII. 1811, and by clause second, Session 3, Regulation II. 1819.

tus of which he may possess the lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the grantee, or possessor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the grantee, or possessor, as they may judge proper upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the grantee or person in possession, shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the grantee, or person in possession, shall produce the writings, or the grant shall be adjudged invalid. If the grantee, or person in possession, shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing, and in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced shall not be received by the court in evidence, nor shall they be allowed to have any weight in the decision, any more than if they had never existed, unless, in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding lands under any grant to produce his title deeds or writings, (excepting for the registry of them by the publication specified in Section 20,) or to institute a suit for the resumption of the grant, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the collectors, to order suits to be instituted for the resumption of grants which they may have ground to believe are invalid.

and may fine him on his refusing to deliver up the writings upon the first requisition; &c

and levy the amount in the same manner as arrears of revenue and attach the lands upon his not complying with the second requisition.

Grantees denying that they have any writings, not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the grantees their title deeds, or instituting a suit against them, without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the collectors.

X. Any person having a claim to hold lands paying revenue, exempt from the payment of revenue under a *badshahee* grant, must institute his claim against Government, who alone can be the defendant in such suits, in the court of *adawlut* of the *zillah*, in the same manner as in cases where individuals may claim a right to hold lands paying revenue, exempt from the payment of revenue under grants not of the description of those termed *badshahee*, in virtue of Regulation XXXI. 1803. The collectors of the revenue are to defend all such suits as may be instituted against Government; and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended or prosecuted by the *vakeel* of Government, under the instructions of the collector; and in the event of Government being cast, either wholly or in part, or if the collector shall be dissatisfied with the decree in any respect, all the rules contained in Section 33, Regulation XXVII. 1803, and the other sections in that regulation, respecting decisions given against a collector in any *zillah* court, in suits instituted against him by any proprietor or farmer of land for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of Government; and in the event of the Board of Revenue not deeming it proper to order an appeal from the decision of the *zillah* court to be preferred to the provincial court of appeal, or from the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal to the Governor General in Council, who will direct the cause to be appealed or not in either case as may appear to him proper.

Persons claiming to hold lands paying revenue, exempt from revenue under badshaher grants, to sue Government.

Collector to defend the suits.

Vakeel of Government to defend or prosecute suits instituted against, or by Government.

Rules to be observed by the collector in the event of Government being cast wholly, or in part.

XI. If a suit shall be brought before a court of judicature by a collector on the part of Government for the resumption of a grant, or by any individual against Government, to hold exempt from the payment of revenue under a grant, lands paying revenue to Government, and it shall appear to the court that the suit was instituted upon insufficient*

Courts to award adequate costs and damages, in cases of prosecutions being instituted on insufficient grounds, under this regulation.

* Rescinded by Section 2, Regulation VIII. 1811, and by clause second, Section 2, Regulation II. 1819.

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cient grounds, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable upon a consideration of the circumstances of the case.

XII. If it shall appear to any court of judicature during the course of trial, that a grant has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination, or the terms of the tenure in the original grant have been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void.

Grants forged or altered in any respect, or antedated, declared void.

XIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case) to take his trial before the court of circuit.

Persons concerned in the frauds, liable to a criminal prosecution.

XIV. Where a grant shall be adjudged invalid, and the land shall be subjected to the payment of revenue, the former holder of the grant shall not be required to refund any part of the collections which he may have made from the lands previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the* sillah *court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall be responsible for the collections from the lands from the date of such first decree, adjudging the land subject to the payment of revenue.*

Proprietors of land included in resumed grants, to pay the jumma *from the date of the first decision, adjudging the land not exempted.*

XV. *Altumgah*, *aymah*, and *muddudmaash* grants, are to be considered as hereditary tenures. These and other grants, which from the terms or nature of them may be hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise; and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser; and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this regulation. *Jaghires* are to be considered as life tenures only, and, with all other life tenures, are to expire with the life of the grantee, unless otherwise expressed in the grant.

Cases in and rules under which certain grants are to be transferrible.

Jaghires to be considered as life tenures, unless the grant shall express otherwise.

XVI. *First.* When any grant shall be adjudged invalid, or shall expire, or escheat to Government, the name of the *pergunnah*, (or other local division where there may be no *pergunnah*,) *sircar*, and *soubah*, in which the lands may be situated, with the exact number of villages or other subdivisions comprized therein, as particularized in the *pergunnah* register directed to be kept by Regulation XLII. 1803, the amount of the public revenue assessed thereon, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by Section 28, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by Section 17, in which the lands may stand recorded; and in the periodical register, he is to specify in red ink, the number of the page in the register of intermediate resumptions and occurrences in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions and occurrences are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Regulation XLII. 1803, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the above mentioned regulation. The collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register, and the register of intermediate resump-

Record of lands included in grants that may become liable to the payment of revenue.

* Rescinded by clause second, Section 2, Regulation II. 1819.

tions and occurrences, the number of the page in the register of intermediate mutations in which the above required entries may be made, and he is also to specify in red ink opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions and occurrences, in which such entries respecting the land may be inserted.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged, or become exempt from the payment of revenue, where to be made.

Second. When land now subject to the payment of revenue shall be finally adjudged, on the claim of any individual, to be exempted from the payment of revenue under any grant, or when the Governor General in Council shall make any new grant, the name of the *pergunnah*, (or other local division where there may be no *pergunnah*,) *sircar*, and *soubah*, in which the lands granted may be situated, with the exact number of villages, or other subdivisions comprised therein as particularized in the *pergunnah* register directed to be kept by Regulation XLII. 1803, the name or names of the grantee, the amount of the revenue before assessed thereon, and a copy of the decree or grant are to be entered in the register of intermediate mutations, directed to be kept by Regulation XLII. 1803, and the collector is to insert in red ink, opposite to such entry, the number of the page in the last formed quinquennial register, in which such *mohauls*, villages, or lands may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions and occurrences directed to be kept by this regulation, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of grants that may be next formed; and the collector shall insert in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken.

Register of *badshahee* grants to be prepared every five years.

Contents of the register.

XVII. That Government and its officers may have in their possession, at all future periods, a complete register of all the lands in the provinces held exempt from the payment of revenue under *badshahee* grants, a register of all such grants shall be formed every five years in each *zillah*. The register is to specify the denomination of each grant, whether *altumgah*, *jaghire*, or other tenure; the name of the original grantee, and of the person in possession; and, if the person in possession be not the original grantee, his relationship to him, if any relationship should exist, and in virtue of what right he succeeded to the grant; the date of the grant, the name or names of the person or persons possessing the *zemindaree* or proprietary right in the lands, the name of the *pergunnah*, (or other local division where there may be no *pergunnah*,) *sircar*, and *soubah*, in which the land granted may be situated, with the exact number of villages or other subdivisions comprised therein, as particularized in the *pergunnah* register, directed to be kept by Regulation XLII. 1803. The collectors are enjoined to take the utmost care, that the names of the *pergunnahs*, (or other local divisions where there may be no *pergunnah*,) as well as the number of villages or other subdivisions stated to be in each, are exactly conformable to the *pergunnah* register; and are to furnish their native officers, appointed to prepare the counterpart registers, with particular instructions for this purpose. The register shall be denominated the "periodical register of lands held exempt from the payment of revenue under *badshahee* grants."

Denomination of the register.

Board of Revenue to prepare a form for the periodical register.

Collectors to adhere to the form.

XVIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collectors, who are strictly enjoined to adhere to it.

Holders of grants allowed one year to register them from the time specified in the following section.

XIX. All persons actually holding lands exempt from the payment of public revenue, under *badshahee* grants, and whether made or confirmed by the Government of the country for the time being, or by whatever authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue of the *zillah* in which the lands may be situated.

Publication to be made requiring all persons to register their grants.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each *zillah* in which any *jaghire*, *altumgah*, *ayma*, or *muddutmaash*, or other lands, held under *sunnuds* or grants termed *badshahee*, may be situated, upon the receipt of this regulation, is to cause the following publication, which shall be written in the Persian language, and in the Hindoostanee language and Nagree

character, and attested with their official seals and signatures, to be fixed up in the principal *cutcherree* of the holders of grants of the description of those specified in this regulation, and take a receipt from the holder of such grant, or the person entrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it. The collectors are further required to cause the prescribed publication to be fixed up in their own *cutcherrees*, and in the *cutcherrees* of the civil courts within their respective *villahs*, for general information.

Publication.

"In conformity to Regulation XXXVI. 1803, every person being actually in possession of *altumgah*, *jaghire*, *ayma*, *muddudmaash*, or other land, now exempt from the payment of revenue, and held under *badshahee* grants in the *villah* of ———, whether made or confirmed by the government of the country for the time being, or by whatever authority, are required to register the following particulars respecting such grants in the office of the collector of the *villah*, before the expiration of one year from the date of this publication. If any holders of such grants, who shall not register their grants either in person, or by a *vakeel* with a *vakalutnamah*, attested by two credible witnesses, and given for the express purpose of registering the grants, the grants will be considered liable to resumption, and the lands chargeable with revenue, in the same manner as other lands subject to the payment of revenue. Persons having claims only to hold land exempt from the payment of revenue under such grants, but who do not now hold the lands exempted, are not to register the lands so claimed by them.

Denomination of the grant, whether *altumgah*, *jaghire*, or other tenure.

By whom granted.

Name of the original grantee.

Name of the present possessor, and, if he be not the original *grantee*, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the grant.

The name or names of the *mohauls* or villages, or lands comprised in the grant, or in which the land may be situated.

The names of the *zemindar* or other proprietor of the *mohauls* or villages, or lands included in the grant, whether such *zemindaree* or proprietary right shall be vested in the grantee, or any other person.

The measurement of each *mohaul* or village, or the land included in the grant.

The *pergunnah* or *pergunnahs* in which the lands may be situated.

A copy of the original grant, and other writings under which the land may be held.

Grants not registered within the prescribed time, declared liable to resumption, unless the Governor General in Council shall admit them upon the register.

XXI. *First.* If any person in possession of any such grant that may be now in force, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the grant shall, by such omission, become subject to resumption, and the lands shall become liable to the payment of revenue to Government. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor showing good and sufficient cause to his satisfaction for not having registered it within the limited period; and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Collectors to receive a commission of twenty-five per cent. on lands resumed under this section.

How the commission of the collector shall be estimated, in case of exempted lands becoming subject to the payment of revenue, and a settlement not being immediately made. What collectors are to be considered entitled to the commission.

Second. The collectors shall receive a commission of twenty-five per cent. on the amount of the annual *jumma* which may be assessed on lands finally resumed, and declared liable to be assessed with public revenue, under this section. If circumstances should prevent the forming of a settlement of any of the lands on which the collectors may be entitled to a commission under this section, it shall be at the option of the Governor General in Council to grant a commission on whatever amount he may deem an equitable *jumma* for such lands. The commission shall be paid to the collector who shall discover and report to the Board of Revenue the omission of the registry of the lands, unless the Governor General in Council should deem it equitable, in any particular case, to give the whole or a part of the commission to any other collector.

Grants not registered within the prescribed period, or not admitted by the Governor General in Council, to be considered forfeited

Registry of grants not to be considered as an admission of the possessor's proprietary right in the soil, nor of the validity of the grants.

XXII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared forfeited, and the lands shall be assessed with revenue, agreeably to the rules prescribed for realizing the public revenue.

XXIII. It is expressly declared, however, that the registry of a grant under this regulation, is not to be considered as an admission of the right of the person in whose name it may be registered, to the property in the soil, nor of the validity of his grant. Any person will be at liberty to sue in the court of *adawlut* for the former, and he will be liable to be sued for the resumption of the grant by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the grant is invalid.

Collector to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscriptions on the back of the register.

XXIV. Upon the expiration of the period for registering the grants in each *zillah*, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it. "Periodical register formed under Regulation XXXVI. 1803, of *altumgah*, *jaghire*, and other lands held exempt from the payment of revenue under *badshahee* grants, in the *zillah* of ——, at the commencement of the year —— Fussily, corresponding with the year of the Christian era ——. Number ——." Each leaf of the book shall be paged, and be signed by the judge of the court of *adawlut* of the *zillah*, and on the last leaf of the book he is to note, in his own handwriting, the number of pages in the book, and subscribe the note with his signature; and no register is to be deemed authentic but such as may be entered in a book so paged and attested.

Book to be paged, and each page to be attested by the judge of the *zillah*.

Judge to specify the number of pages in the book, on the last leaf.

Second periodical register to commence with the year 1215, to be numbered two, and the subsequent registers in their order.

XXV. The second periodical register, is to commence with the year 1215 Fussily. This register is to be numbered Two, and the periodical register to be prepared at the commencement of every subsequent five years, in the order in which it may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXVI. The keepers of the native records are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged and attested by the judge of the court of *adawlut* of the *zillah* in the same manner as the books containing the English registers; and no other counterparts of the registers of grants shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language, the counterpart register is to be kept.

XXVII. The counterpart register is to be kept in the Persian language.

Manner in which resumptions and other occurrences regarding grants in the intervals between the forming of the periodical registers are to be recorded.

XXVIII. For the purpose of recording all resumptions, or new grants, or other occurrences respecting the grants which form the subject of this regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "the register of intermediate resumptions or other occurrences, respecting *altumgah*, *jaghire*, or other *badshahee* grants," and shall have the following inscription on the back, "register formed under Regulation XXXVI. 1803, of intermediate resumptions or other occurrences respecting *altumgah*, *jaghire*, or other lands held exempt from the payment of *revenue* under *badshahee* grants in the *zillah* of ——, between the commencement of the year ——, and the end of the year —— Fussily." Previous to any entries being made in this register, it is to be paged, and the judge of the court of *adawlut* of the *zillah* is to sign each leaf of it, and on the last leaf note in his own handwriting the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register all grants not registered within the time prescribed in the publication in Section 20, which the Governor General in Council may order to be admitted upon the register under Section 21, all grants of land that may be adjudged or become liable to the payment of revenue, all lands now paying revenue which may be adjudged to be held exempt from the payment of revenue by any individuals under any grant, all new grants that may be made by the Governor General in Council, and all exempted lands held under such grants which may be separated from or annexed to the jurisdiction of the *zillah*, with the authority for these several occurrences, and also the particulars

ticulars for completing the requisite entries in the register of intermediate occurrences in the cases specified in Section 16, in which entries are directed to be made in that register.

XXIX. When *mohauls* are ordered to be separated from one *zillah*, and annexed to another, the collector of the *zillah* from which the separation is to take place, is to transmit to the collector of the *zillah* to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the *badshahee* grants in such *mohauls*, and also of any entries respecting them in the register of intermediate occurrences which may have taken place subsequent to the forming of the last periodical register.

Documents respecting grants to be furnished by collectors of *zillahs* from which separations may be made.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the collector of the *zillah* from which the separation may be directed to be made, is to transmit to the judge of the court of *adawlut* of his *zillah*, and also the provincial court of appeal, copies of the entries in the last periodical register, and register of intermediate occurrences, which may relate to the grants to be separated from his *zillah*; and the collector to whose *zillah* the annexation may be made, is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding section) to the judge of the *zillah*, and to the provincial court of appeal. Immediately on the receipt of these papers, the courts from the jurisdiction of which the separation may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation may become cognizable in any other *zillah* court, to such court, and to cause notification thereof to be communicated to the parties in writing.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXXI. The collectors are to attest all entries in the register of intermediate resumptions and occurrences with their official signatures, and they are strictly enjoined never to allow that register to fall in arrear, but to make the necessary entries immediately upon any resumptions or other occurrences taking place.

Collectors enjoined never to allow the register of intermediate occurrences to fall in arrear.

XXXII. A counterpart of the register of intermediate resumptions and occurrences is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are in like manner to be paged and attested by the judge of the court of *adawlut* of the *zillah*.

Counterpart of the English register of intermediate occurrences to be kept by the keepers of the native records.

XXXIII. When the periodical register shall have been transcribed fair into the book, attested by the judge of the *zillah*, as directed in Section 24, if it shall be discovered that the entries respecting any grant are erroneous, or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions and occurrences, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entries in the periodical register, the number of the page in the register of intermediate resumptions and occurrences in which the errors or omissions may be noted, and at the end of the note specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions and occurrences are to be noted in a similar manner.

How errors in the fair copy of the periodical register, and in the register of intermediate occurrences, are to be corrected.

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions and occurrences in the Persian language shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Similar rule with regard to errors in counterparts of the periodical register, and register of intermediate occurrences, in the Persian language.

XXXV. If the proprietary right in any land included in a *badshahee* grant shall be under litigation in a court of justice, at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Persons in possession of the *proprietary* right in the lands, to be registered as the proprietors.

XXXVI. If a collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions and occurrences, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper, on a consideration of his situation and

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove, to the satisfaction of the Board, that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collectors in the several *zillahs* with such records, or information, as they may possess regarding the exempted lands in their respective *zillahs*, as well to assist them in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands now held exempt from the payment of revenue, under grants, are liable to the payment of revenue, according to this regulation.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective *zillahs*.

To whom the collectors are to send copies of each periodical register, and of the quarterly entries in the register of intermediate occurrences.

XXXVII. The collectors of the several *zillahs* are to transmit to the Board of Revenue, as early as may be practicable, an attested copy of the periodical registers, both in the English and the Persian languages, each in a book of the prescribed size, paged and attested by the judge of the court of *adawlut* of the *zillah* in the same manner as the original register, as directed in Section 24, and within one month after the expiration of the third, sixth, ninth, and twelfth month of the Fussily year, an attested copy of the entries in the register of intermediate resumptions and occurrences that may have taken place during the three preceding months. Whenever the *zillah* courts or the provincial court of appeal may have occasion to refer to any of the registers prescribed by the present regulation, they are authorized to require from the collectors the production of the original register, or an attested copy of such part thereof as may contain the required information. The collectors, on the receipt of such requisition, are immediately to transmit the original register, if it can be sent without inconvenience, under the care of one of their native officers, in whose custody it is to remain till returned: or if the original register cannot be conveniently sent, are to transmit, without delay, an accurate copy of such part thereof as may be required, under the attestation of their official signature. In like manner the Board of Revenue, on the requisition of the court of Sudder Dewanny Adawlut, are to furnish any *zillah* register received by them which may be required by that court; or a copy, attested by the signature of their secretary, or accountant, of any part thereof which may be required. In the event of any register required by a court of justice not having been prepared, and the period fixed for its preparation having elapsed, the collector is to explain to the court the cause of such register not having been prepared; and the explanation so given is to be transmitted by the court receiving it to the Governor General in Council. Any person succeeding to the office of collector, or invested with the temporary charge of such office, is also required, immediately on his taking charge, to ascertain whether the prescribed registers have been duly prepared: and if not, to report the same to the Board of Revenue, with any explanation he may have received of the omission, for the information of the Governor General in Council.

How the courts are to proceed, whenever they have occasion to refer to any of the registers.

Court to report to Government the explanations given by collectors for not having the registers completed within the prescribed periods.

Collectors, or acting collectors, on taking charge, to ascertain whether the registers have been duly prepared, and if not, to report the same to the Board of Revenue for the information of Government.

The Board of Revenue, and the collectors, to be careful to preserve the periodical registers of intermediate resumptions.

XXXVIII. The Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions and occurrences, both in the English and Persian languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

From what materials the periodical register commencing with 1215, and subsequent registers, are to be formed.

XXXIX. The periodical register which is to be formed in each of the *zillahs* at the commencement of the Fussily year 1215, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another *zillah*, and with the addition of any grants of land that may have been annexed to the *zillah*, or that may have been admitted upon the register by the Governor General in Council under Section 21, also new grants made by the Governor General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a *baidshahee* grant, by a final decree of a court of judicature in a suit instituted under this regulation. The materials for each periodical register will thus be ready upon the

arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XL. If it shall be proved to the satisfaction of the judge of the court of *adawlut* of any *zillah*, that a native officer of a collector, or of an assistant to a collector, shall have received directly or indirectly, any sum of money, or effects, or other property, from any person for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependants of a collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XLI. If any native servant or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of *adawlut* of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the six months, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property, and the collector, or assistant, is to discharge such servant, and never to employ him in his public or private capacity.

Regulation not to be considered to extend to grants not *badshahee*.

XLII. No part of this regulation is to be considered to extend to lands held, or stated to be held, exempt from the payment of public revenue, under grants not being of the description of those termed *badshahee* or royal. The rules applicable to such grants are contained in Regulation XXXI. 1803.

Zillah courts to furnish copies of certain decrees, by which the right to, or the property in, any lands exempted from the payment of public revenue may be altered.

XLIII. The judges of the *zillah* courts shall furnish the collectors of the districts in which the land may be situated, and the Board of Revenue, with a copy of every decree in suits between individuals, which they may pass, or which may be sent to them by superior courts to enforce, by which the right in, or possession of, any lands held exempt from the payment of public revenue, under whatever description of grant the same may be so held, may be affected, in order that the collectors may be enabled to make the necessary entries of the alterations in such right or possession, to be inserted in the periodical registers of lands held exempt from the payment of revenue. The copies of such decrees shall be transmitted by the judge within twenty days after the same may be passed or received by him.

A. D. 1811. REGULATION VIII*.

A REGULATION *for modifying certain Parts of Regulations XXXI. and XXXVI.* 1803.—PASSED *by the Vice-President in Council, on the 16th July* 1811; *corresponding with the 2d Sawun* 1218 *Bengal era; the 10th Sawun* 1218 *Fussily; the 3d Sawun* 1218 *Willaity; the 11th Sawun* 1868 *Sumbut; and the 24th Jumadius-Sani* 1226 *Higeree.*

Preamble.

WHEREAS *under the rules contained in Regulations XXXI. and XXXVI.* 1803, *the claims of Government to resume the revenue of lands held free of assessment under illegal or invalid tenures, are only cognizable in the courts of judicature: and whereas there is reason to believe that individuals, availing themselves of the difficulties experienced by the public officers in the establishment of such claims under the existing rules, have in many cases appropriated to themselves the revenue of lands, property appertaining to the state, by which considerable loss has been sustained in the public resources; the following rules have been enacted, to be immediately in force throughout those parts of the ceded and conquered provinces, which are subject to the authority of the Board of Commissioners.*

Certain parts of Regulations XXXI. and XXXVI. 1803, *and of Regulation VIII.* 1805, *rescinded.*

II. Sections 7, 8, 9, *and* 11, *Regulation XXXI; and Sections* 7, 8, 9, *and* 11, *Regulation XXXVI.* 1803, *respecting lands held exempt from the payment of revenue to Government in the territories ceded by the Nawaub Vizier; together with the provisions of Regulation VIII.* 1805, *by which the said sections are extended to the conquered provinces, (excepting Cuttack,) and to Bundlecund, are hereby rescinded.*

Rules of proceeding in cases of lands believed to be held exempt from assessment on invalid or illegal tenure.

III. Whenever a collector of revenue shall have reason to believe, that any land is held exempt from the public assessment on an invalid or illegal tenure, he shall report the circumstance to the Board of Commissioners, who, should they be of opinion that proper grounds exist for an inquiry, shall direct the collector to call upon the holder of the lands to adduce, within one month from the receipt of the notice, any documentary or other evidence tending to establish his right thereto; at the same time apprizing him, that in default of producing such proof, the revenue of the land will be resumed, and assessed in the mode prescribed by the regulations.

In such cases as the collector may, after due consideration, deem the land resumable, or the holder may omit to produce the necessary documents, the proceedings held shall be submitted for the decision of the Board of Commissioners.

IV. If it shall appear to the collector, on due consideration of the documents and other evidence, which may be adduced, that the revenue of the land is resumable on the principle of the rules contained in Regulations XXXI. and XXXVI. 1803, *or if the holder of the said lands shall omit to produce any documentary or other evidence within the time prescribed, or shall fail to shew good and sufficient cause for such omission, it shall be in either case the duty of the collector to forward the whole of his proceedings on the subject, with his opinion thereon, to the Board of Commissioners, who will decide whether the land shall be deemed liable to the public assessment, or otherwise.*

And also in cases in which the collector shall be of opinion that the land is not liable to assessment,

V. If the collector, after receiving the documents or evidence adduced, shall be of opinion, that the land is not liable to the public assessment, he shall nevertheless transmit the whole of his proceedings in the case, with his opinion thereon, to the Board of Commissioners,

* The whole of this regulation is rescinded by clause first, Section 2, Regulation II. 1819.

but after the decision of the Board of Commissioners; or the question shall not be again revived, unless in certain cases.

Commissioners, who will decide the question, and issue the proper orders for admitting or disallowing the claim to hold the lands free of assessment. It shall not however be competent to Government, or its revenue officers, after the question shall have been so decided, to revive the question, or disturb the title of the occupant, except on proof in a court of judicature, of fraud or collusion in the previous inquiry; or except in the event of a transfer of the property or change of proprietor, when a question may in consequence arise as to the hereditary or transferrible nature of the tenure.

Persons considering themselves aggrieved by the decision passed by the Board of Commissioners, may institute a suit against Government within six months.

VI. Any person who may consider himself aggrieved by the decision which may be passed by the Board of Commissioners, under the rules contained in Sections 4. and 5. of this regulation, shall be at liberty to institute a suit in the courts of judicature against Government, to try the merits of the said decision, provided that such suit be instituted within the period of six months from the date on which it may be passed.

Such suits may be instituted without previous reference to the Governor General in Council, and shall be defended by the collectors under the instructions of the Board of Commissioners.

VII. Such suits may be instituted, without previous reference to the Governor General in Council, against Government, and shall be defended by the collectors, under the instructions of the Board of Commissioners. The courts of judicature, in cases in which they may be of opinion that the decision of the Board of Commissioners has been passed on erroneous grounds, will of course adjudge the plaintiff to be reinstated in possession of the lands in question free of assessment, at the same time, awarding to him such costs as may be sufficient to reimburse him for the expense to which he may have been subject; and giving proper directions for the adjustment of the accounts of the collections made from the lands, during the time that they may have been in the charge of the officers of Government.

Courts not to interfere in the proceedings of the collectors, until a regular trial shall have taken place of the merits of the cases.

VIII. But no court of justice shall issue any prohibition or injunction to stay process previously to the formal decision of the case by the revenue officers; nor any precept or other order to prevent an ejectment consequent to such decision, until a full and complete trial shall have been had of the merits of that decision by a regular suit instituted under this section.

Persons succeeding to lakheraj tenure, by death or other transfer of the proprietary right, shall notify the same to the collector within six months, under pain of fine to a certain extent.

IX. Persons succeeding to the possession of a lakheraj tenure on the decease of a former occupant, or by gift, purchase, or other transfer of proprietary right, are hereby required immediately to notify the same to the collector of the land revenue of the district in which the property may be situated, in order that the succession or transfer may be duly registered in his office; and any omission to notify such succession or transfer for the period of six months after it has occurred, shall subject the offender to such fine as the Board of Commissioners may judge proper to order to be imposed upon him; not exceeding however the tenth part of the computed annual produce of the lands.

Persons holding lands (of which they are not proprietors) free of assessment, declared liable to the payment of nankar *or* malikanah.

X. Persons holding one or more entire village or villages, of which they are not the proprietors, free of assessment, are hereby declared subject to the payment of the same nankar *or* malikana *to the* zemindar, *or other actual proprietors of the soil of such entire village or villages, (if the settlement for the revenue shall not be concluded with the proprietor,) as such* zemindars *or other actual proprietors would be entitled to receive under the existing regulations, if the land were* malguzaree; *and the* zemindar *or other actual proprietor of every entire village thus held free of assessment, shall be entitled to recover such* nankar *or* malikana, *by suit in the courts of judicature.*

A. D. 1813. REGULATION V*.

A REGULATION *for modifying certain Parts of Regulations XIX. and XXXVII.* 1793, *extended to Cuttack by Section* 36, *Regulation XII.* 1805.—PASSED *by the Governor General in Council, on the* 1st *June* 1813; *corresponding with the* 20*th Jeyte* 1220 *Bengal era; the* 17*th Jeyte* 1220 *Fussily; the* 21*st Jeyte* 1220 *Willaity; the* 3*d Jeyte* 1870 *Sumbut; and the* 1*st Jemadi-us-Sanee* 1228 *Higeree.*

Preamble.

WHEREAS *under the rules contained in Regulations XIX. and XXXVII.* 1793, *extended with modifications to Cuttack by Regulation XII.* 1805, *the claims of Government to resume the revenue of lands held free of assessment under illegal or invalid tenures are only cognizable in the courts of judicature: and whereas there is reason to believe that individuals, availing themselves of the difficulties experienced by the public officers in the establishment of such claims under the existing rules, have in many cases appropriated to themselves the revenue of lands, properly appertaining to the state, by which considerable loss has been sustained in the public resources; the following rules have been enacted, to be immediately in force in the district of Cuttack and in the* pergunnah *of Puttaspore and its dependencies.*

Certain parts of Regulations XIX. and XXXVII. 1793, *rescinded.*

II. Sections 12. 13. 14. *and* 16. *Regulation XIX. and Sections* 7. 8. 9. *and* 11. *Regulation XXXVII.* 1793, *respecting lands held exempt from the payment of revenue to Government, so far as respects the district of Cuttack, and the* pergunnah *of Puttaspore and its dependencies, are hereby rescinded.*

Rules of proceeding in cases of lands believed to be held exempt from assessment on invalid or illegal tenure.

III. Whenever a collector of revenue shall have reason to believe, that any land is held exempt from the public assessment on an invalid or illegal tenure, he shall report the circumstance to the Board of Revenue, or to the member of that Board on deputation in Cuttack, who, should they or he be of opinion that proper grounds exist for an inquiry, shall direct the collector to call upon the holder of the lands to adduce, within one month from the receipt of the notice, any documentary or other evidence tending to establish his right thereto; at the same time apprizing him, that in default of producing such proof, the revenue of the land will be resumed and assessed in the mode prescribed by the regulations.

In such cases as the collector may, after due consideration, deem the land resumable, or the holder may omit to produce the necessary documents, the proceedings held, shall be submitted for the decision of the Board of Revenue or member on deputation.

And also in cases in which the collector shall be of opinion that the

IV. If it shall appear to the collector, on due consideration of the documents and other evidence, which may be adduced, that the revenue of the land is resumable on the principle of the rules contained in Regulations XIX. and XXXVII. 1793, *or if the holder of the said land shall omit to produce any documentary or other evidence within the time prescribed, or shall fail to shew good and sufficient cause for such omission, it shall be in either case the duty of the collector to forward the whole of his proceedings on the subject, with his opinion thereon, to the Board of Revenue or member on deputation, who will decide whether the land shall be deemed liable to the public assessment, or otherwise.*

V. If the collector, after receiving the documents or evidence adduced, shall be of opinion, that the land is not liable to the public assessment, he shall nevertheless transmit the

* The whole of this regulation is rescinded by clause first, Section 2, Regulation II. 1819.

land is not liable to assessment, but after the decision of the Board of Revenue or member on deputation, the question shall not be again revived unless in certain cases.

whole of his proceedings in the case, with his opinion thereon, to the Board of Revenue or member on deputation, who will decide the question, and issue the proper orders for admitting or disallowing the claim to hold the lands free of assessment. It shall not however be competent to Government, or its revenue officers, after the question shall have been so decided, to revive the question or disturb the title of the occupant, except on proof, in a court of judicature, of fraud or collusion in the previous inquiry: or except in the event of a transfer of the property or change of proprietor, when a question may in consequence arise as to the hereditary or transferrible nature of the tenure.

Persons considering themselves aggrieved by the decision passed by the Board of Revenue or member on deputation, may institute a suit against Government within six months.

VI. Any person who may consider himself aggrieved by the decision which may be passed by the Board of Revenue or member on deputation, under the rules contained in Sections 4 and 5. of this regulation, shall be at liberty to institute a suit, in the courts of judicature, against Government, to try the merits of the said decision, provided that such suit be instituted within the period of six months from the date on which it may be passed.

Such suits may be instituted without previous reference to Government, and shall be defended by the collectors under the instructions of the Board of Revenue or member on deputation.

VII. Such suits may be instituted, without previous reference to the Governor General in Council, against Government, and shall be defended by the collectors, under the instructions of the Board of Revenue or member on deputation. The courts of judicature, in cases in which they may be of opinion that the decision of the revenue authorities has been passed on erroneous grounds, will of course adjudge the plaintiff to be reinstated in possession of the lands in question, free of assessment, at the same time awarding to him such costs as may be sufficient to reimburse him for the expense to which he may have been subject; and giving proper directions for the adjustment of the accounts of the collections made from the lands, during the time that they may have been in the charge of the officers of Government.

Courts not to interfere in the proceedings of the collectors, until a regular trial shall have taken place of the merits of the case.

VIII. But no court of justice shall issue any prohibition or injunction to stay process previously to the formal decision of the case by the revenue officers; nor any precept or other order to prevent an ejectment consequent to such decision, until a full and complete trial shall have been had of the merits of that decision by a regular suit instituted under this section.

Persons succeeding to lakheraj *tenure, by death or other transfer of the proprietary right, shall notify the same to the collector within six months, under pain of fine to a certain extent.*

IX. Persons succeeding to the possession of a lakheraj *tenure on the decease of a former occupant, or by gift, purchase, or other transfer of proprietary right, are hereby required immediately to notify the same to the collector of the land revenue of the district in which the property may be situated, in order that the succession or transfer may be duly registered in his office; and any omission to notify such succession or transfer for the period of six months after it has occurred, shall subject the offender to such fine as the Board of Revenue or member on deputation may judge proper to order to be imposed upon him; not exceeding however the tenth part of the computed annual produce of the lands.*

A. D. 1817. REGULATION XI*.

A REGULATION *for modifying certain Parts of Regulations XIX. and XXXVII.* 1793; *and Regulations XLI. and XLII.* 1795.—PASSED *by the Vice-President in Council, on the* 29*th July* 1817; *corresponding with the* 15*th Sawun* 1224 *Bengal era; the* 1*st Sawun* 1224 *Fussily; the* 16*th Sawun* 1224 *Willaity; the* 1*st Sawun* 1874 *Sumbut; and the* 14*th Shabun* 1232 *Higeree.*

Preamble.

WHEREAS *under the rules contained in Regulations XIX. and XXXVII.* 1793, *and Regulations XLI. and XLII.* 1795, *the claims of Government to resume the revenue of lands held free of assessment, under illegal or invalid tenures, are only cognizable in the courts of judicature, and great delays have occurred in the decision of suits, brought by collectors for the recovery of the public dues, from such lands;—and whereas the provision contained in Sections* 3, 4, 5, 6, 7, 8, *and* 9, *Regulation VIII.* 1811, *and the corresponding sections of Regulation V.* 1813, *by which the decision of such cases, in the ceded and conquered provinces, is, in the first instance, vested with the revenue authorities, have been found productive of great advantage, both in facilitating the assertion of the just rights of Government in cases in which the public revenue has been unjustly withheld, and in relieving individuals holding lands free of assessment, by valid titles, from the disquiet of litigation;—and whereas it appears adviseable to extend the said provisions to the several districts, placed under the authority of the commissioner in Behar and Benares;—the following rules have therefore been enacted, to be in force from the date of their enactment, within the provinces of Behar and Benares, and in the districts of Bhaugulpore and Purnea.*

Parts of the existing regulations applicable to the provinces of Behar and Benares, and to the districts of Bhaugulpore and Purnea, rescinded: and certain provisions extended to those provinces and districts.

II. Sections 12, 13, 14, 16, *and* 19, *Regulation XIX. and Sections* 7, 8, 9, 11, *and* 14, *Regulation XXXVII.* 1793, *in as far as they are applicable to the province of Behar, and the districts of Bhaugulpore and Purnea; and Sections* 12, 13, 14, 16, *and* 19, *Regulation XLI. and Sections* 7, 8, 9, 11, *and* 14, *Regulation XLII.* 1795, *are hereby rescinded; and the provisions contained in Sections* 3, 4, 5, 6, 7, 8, *and* 9, *Regulation V.* 1813, *are hereby extended to the provinces of Behar and Benares, and the districts of Bhaugulpore and Purnea.*

What powers and duties are to be exercised by the commissioner in Behar and Benares.

III. The powers and duties vested by the provisions of the said regulation in the Board of Revenue, shall of course be held and exercised by the commissioner in Behar and Benares, or other officer exercising the powers of the Board of Revenue in the provinces and districts above mentioned.

Certain suits preferred by the collectors in the provinces of Behar and Benares under the rules in force, to be withdrawn, and the investigation of them to proceed de novo.

IV. All suits which may have been preferred by the collectors in the provinces of Behar and Benares, and in the districts of Bhaugulpore and Purnea, for the resumption of the public revenue, under the provisions of Regulation XIX. and XXXVII. 1793, *and Regulations XLI. and XLII.* 1795, *shall be withdrawn; and the revenue authorities shall proceed to the investigation and decision of the several cases, in the same manner and with the same powers, as if no suit had ever been preferred.*

* The whole of this regulation is rescinded by clause first, Section 2, Regulation II. 1819.

A. D. 1817. REGULATION XXIII*.

A REGULATION *for modifying certain Parts of Regulations XIX. and XXXVII.* 1793; *and for defining the Right of Government to the Revenue of Lands not included within the Boundaries of Estates for which a Settlement has been made.*—PASSED *by the Vice-President in Council on the* 28*th October* 1817; *corresponding with the* 13*th Kautic* 1224* *Bengal era; the* 3*d Kautic* 1225 *Fussily; the* 14*th Kautic* 1225 *Willaity; the* 3*d Kautic* 1874 *Sumbut; and the* 10*th Zeheja* 1232 *Higeree.*

Preamble.

THERE *is reason to believe that extensive tracts of land, lying within that part of the country which is ordinarily denominated the Sunderbuns, and which at the period of the formation of the permanent settlement were entirely waste, and not included within the limits of* pergunnahs, mouzas, *or other known divisions of estates for which a settlement was concluded, have been brought into cultivation, and are now occupied by individuals without payment of revenue; and it is likewise understood, that extensive tracts of alluvion lands formed since the period above mentioned, are held in the districts adjoining the Sunderbuns by individuals, without payment of revenue: but the inherent title of Government to a certain proportion of the produce of every* beegha *of land, in all cases in which it shall neither have transferred its right thereto for a term, or in perpetuity, nor have limited its demand by a distinct agreement with the proprietor or possessor, has uniformly been avowed and acknowledged; and in pursuance of that principle, Government are clearly entitled to assess all lands of the nature of those above described.—It may however be apprehended, that individuals holding such lands will avail themselves of the rules by which the claims of Government to resume the revenue of lands held free of assessment, under illegal or invalid tenures, are declared cognizable only in the courts of judicature, to thwart the revenue authorities in the recovery of the just dues of Government from the lands above described; and it is otherwise expedient that those rules should be amended and modified.—It is likewise desirable that the principle upon which the revenue authorities are to proceed in assessing such lands, should be distinctly explained, that individuals may be the better protected against any encroachment on the rights secured to them by the permanent settlement.—The following rules therefore have been enacted, to be in force from the date of their enactment within the districts of the* 24-*Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge.*

Parts of Regulations XIX. and XXXVII. so far as are applicable to the 24-Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, rescinded; and the provisions contained in Sections 3. to 9, Regulation V. 1813, extended to those districts.

II. Sections 12, 13, 14, 16, *and* 19, *Regulation XIX. and Sections* 7, 8, 9, 11, *and* 14, *Regulation XXXVII.* 1793, *in as far as they are applicable to the districts of the* 24-*Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, are hereby rescinded; and the provisions contained in Sections* 3, 4, 5, 6, 7, 8, *and* 9, *Regulation V.* 1813, *are hereby extended to the above-mentioned districts.*

III. The provisions contained in Sections 3, 4, 5, 6, 7, 8, *and* 9, *Regulation V.* 1813, *are hereby declared applicable to all lands held at an inadequate* jumma *under* mocurreree *or other tenures, limiting the demand of Government.*

The latter provisions applicable to lands held at an inadequate jumma

* The whole of this regulation is rescinded by clause first, Section 2, Regulation II. 1819.

under mortgages or other tenures, limiting the demand of Government.

Lands not included within the limits of any pergunnah or estates at the decennial settlement, are liable to assessment in the same manner as other unsettled mohauls.

IV. First. *It is hereby declared and enacted, that all lands which at the period of the decennial settlement were not included within the limits of any* pergunnah, mouza, *or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held free of assessment under a valid and legal title of the nature specified in Regulations XIX. and XXXVII.* 1793, *are, and shall be considered liable to assessment, in the same manner as other unsettled* mohals, *and the revenue assessed on all such lands, whether exceeding* 100 beeghas *or otherwise, shall belong to Government.*

The foregoing principle shall be applicable to all churs *and islands, formed since the decennial settlement, and generally to all lands gained by alluvion or alteration in the course of the rivers.*

Likewise applicable to certain lands held under special pottahs *from the collector, and not brought under assessment at the permanent settlement.*

Proviso.

Second. *The foregoing principle shall be deemed applicable not only to tracts of land such as are described to have been brought into cultivation in the Sunderbuns, but to all* churs *and islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion or dereliction since that period, whether from an introcession of the sea, an alteration in the course of rivers, or the gradual accession of soil on their banks.*

Third. *The same principle shall likewise be deemed applicable to all lands, which, at the period of the permanent settlement, were included within the limits of* taloukas *held by individuals under special* pottahs *from the collector, such as the Puteet-abady, and Jungulboory* taloukas *in the districts of the* 24-Pergunnahs *and Jessore, and which were not brought under assessment at the above-mentioned period; provided however, that in respect to such lands, if in the possession of the original* pottah-*holder, or his legal representative, the conditions of the* pottah *in regard to the assessment of the land included within the limits specified in that instrument, shall be strictly maintained.*

The collector how to proceed, when any lands may be liable to assessment on the principle above specified.

V. First. *Whenever the collector of any of the districts above mentioned, the commissioner in the Sunderbuns, or other officer exercising the powers of collector, shall have reason to believe that any lands lying within the sphere of his official control, are liable to assessment on the principle above specified, he shall report the circumstance to the Board of Revenue, or other authority exercising the powers of that Board, who, should they be opinion that proper grounds exist for an inquiry, shall direct the collector or other officer aforesaid, to call upon the holder of the lands, by a written notice under his official seal and signature, to adduce, within the period of one month from the receipt of the notice, any documentary, or other evidence tending to establish the fact, that the lands were at the period of the decennial settlement included within the limits of an estate for which a permanent settlement may have been concluded, or that a distinct settlement has been concluded for them since that period, or that they are held free of assessment by a valid grant of the nature specified in Regulations XIX. and XXXVII.* 1793, *and are not liable to assessment on the principle specified in the 4th Section of this regulation.*

To institute particular inquiry regarding the lands.

Second. *The collector or commissioner, as the case may be, shall at the same time institute a full and particular inquiry into the circumstances and condition of the land in question at the period of the decennial settlement, and in the case of alluvion land into the period of its formation.*

To cause a survey or measurement to be made of such lands.

VI. First. *When the inquiry described in the foregoing section shall have been authorized, it shall be competent to the collector or commissioner aforesaid, with the sanction of the Board of Revenue previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands are alleged to belong.*

The collector declared competent to summon the putwaree, gomashtah, *or other persons, for the production of all accounts relating to such lands.*

Second. *It shall likewise in such cases be competent to the collector or commissioner to summon the* putwaree, gomashtah, *or other person by whom the accounts relating to such lands, or to the estate to which the lands may be alleged to belong, are kept, and to require him to produce all accounts, relating to such lands or estate, and to examine him on oath to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate, in the manner specified in Section 22, Regulation XII.* 1817.

Third. *It shall further be competent to the collector or commissioner, in the cases above specified, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, to require the person claiming to be the proprietor or farmer of the lands proposed to be assessed, or of the estate to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate within a reasonable time, not being less than one week.*

And to require the personal attendance of the proprietors or farmers of such lands for the production of the requisite accounts.

VII. First. *Whenever the collector or commissioner shall require the attendance of any proprietor or farmer, or of any* putwaree, gomashtah *or other officer for the purpose stated in the above section, he is to serve such proprietor, or other person aforesaid, with a written notice under his official seal and signature, stating the purpose for which his attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.*

Written notice to be served on the persons above mentioned for their attendance.

Second. *Provided further, that the rules contained in Section 3, Regulation XIV.* 1793, *regarding the mode of serving process for the recovery of arrears of revenue, shall be held applicable to processes issued by a collector, or other officer exercising the powers of a collector, under the provisions contained in the two preceding sections, excepting always, so much of the said rules as prescribes that the* peon *serving the process, shall be paid by the party in whose name it is issued.*

Mode of serving processes.

VIII. First. *If it shall appear to the collector or commissioner, on due consideration of the documents and other evidence which may be adduced by the holder of the land, regarding which the inquiry above described shall have been instituted, or which may be otherwise received and examined by himself, that the lands are liable to assessment on the principle specified in Section 4. of this regulation, he shall forward the whole of his proceedings on the subject, with his opinion thereon, to the Board of Revenue, or other authority vested with the powers of that Board, who will decide, after such further inquiry as they may deem requisite, whether the land shall be deemed liable to assessment or otherwise.*

If the lands shall appear liable to assessment, the collector to forward his proceedings to the Board of Revenue or other proper authority.

Second. *If the collector after receiving the documents or evidence adduced, and holding the inquiry directed in Section 5. of this regulation, shall be of opinion that the lands are not liable to assessment, he shall nevertheless transmit the whole of his proceedings on the case, with his opinion thereon, to the Board of Revenue, or other authority exercising the powers of that Board, who will decide and issue the proper orders for the assessment of the lands, or for admitting the claim of the holder of the lands.*

If on inquiry the lands may not appear to be liable to assessment, the collector or the commissioner how to proceed.

IX. First. *It shall be the duty of the collector or commissioner holding the inquiry described in Section* 5, *carefully to number, mark, date, and sign, all documents produced by a* zemindar *or other person possessing lands of the nature above described, in support of his claim to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before them.*

The collector shall carefully mark all documents produced by a zemindar or other person possessing lands of the nature above described.

Second. *It shall likewise be the duty of the collector and the Board of Revenue, to state distinctly in each instance the grounds on which the revenue of any such lands may be resumed, in order that should the case come before the courts of judicature, the issue to be tried may be as plain and simple as possible.*

To state distinctly the grounds on which the revenue of such lands may be resumed.

X. The revenue on lands resumed and assessed under the provisions of this regulation, shall be regulated by the general rules contained in the regulations for the settlement of lands paying revenue to Government; and the revenue authorities shall follow generally in regard to them the same course as is ordinarily adopted in respect to unsettled mohauls, *excepting of course, in cases in which the undisputed proprietary right to the lands may be vested in Government.*

The revenue on lands which may be resumed and assessed, how to be regulated.

XI. It shall not be competent to Government or its officers, after the question shall have been decided in the manner stated in Section 8. *of this regulation, to revive the question, or disturb the title of the occupant, except on proof in a court of judicature of fraud or collusion in the previous inquiry.*

Officers of Government not competent to revive the question, after it has been decided in the manner described in Section 8. of this regulation.

Persons aggrieved at liberty to institute a suit against Government within the period of 6 months.

XII. First. *Any person who may consider himself aggrieved, by the decision which may be passed by the Board of Revenue or other authority exercising the powers of that Board, under the rules contained in Section 8. of this regulation, shall be at liberty to institute a suit in the courts of judicature against Government, to try the merits of the said decision—provided that such suit be instituted within the period of six months from the date on which it may be passed.*

A previous reference to the Governor General in Council not required in such suits.

The courts of justice have to proceed.

Second. *Such suits may be instituted, without previous reference to the Governor General in Council, against Government, and shall be defended by the collectors under the instructions of the Board of Revenue or other authority aforesaid. The courts of judicature, in cases in which they may be of opinion that the decision of the revenue authorities has been passed on erroneous grounds, will of course adjudge the plaintiff to be reinstated in possession of the lands in question, on the same tenure as he possessed previously to that decision; at the same time awarding to him such costs as may be sufficient to reimburse him for the expense to which he may have been subject; and giving proper directions for the adjustment of the accounts of the collections made from the lands, during the time that they may have been in the charge of the officers of Government.*

Courts of justice not to interfere or to stay process previously to the formal decision by the revenue authorities.

Third. *But no court of justice shall issue any prohibition or injunction to stay process previously to the formal decision of the case by the revenue officers, nor any precept or other order to prevent the attachment of the land or ejectment of the holder thereof consequent to such decision, until a full and complete trial shall have been had of the merits of that decision by a regular suit instituted under the above section.*

Putwarees or other persons neglecting to produce the requisite accounts or give evidence regarding them, liable to certain penalties.

XIII. First. *If any* putwaree, gomashtah, *or other person, by whom the accounts of lands are kept, and who may be summoned by a collector or commissioner under the provisions contained in Sections 6. and 7. of this regulation, shall neglect or omit to produce his original accounts on the requisition of the collector or commissioner, or to give his evidence regarding them, or shall intentionally and deliberately give a false deposition on oath before the collector or commissioner when summoned and examined as aforesaid, or shall alter, fabricate, falsify, or mutilate the accounts relating to such lands, or to the estate to which such lands are stated to belong, shall be and be held liable to the pains and penalties specified in Sections 23, 26, and 27, of Regulation XII. 1817, according as the provisions of one or other of those sections may be applicable to the offence committed by him.*

If the holder of such lands shall refuse to furnish the accounts, their lands shall be liable to attachment.

Second. *If the holder of any lands, in regard to which the collector shall have been authorised by the Board of Revenue, or other authority exercising the powers of that Board, to institute the inquiry described by Section 5. of this regulation, shall refuse, or neglect to furnish the accounts relating to such lands within the period specified in the collector's requisition, the Board of Revenue shall be competent to direct the lands to be immediately attached, and the rents collected on account of Government, in the same manner as if the lands were the property of Government.*

The collector is nevertheless to make a full inquiry into the title of the holder of the lands.

Third. *In such cases however it shall still be the duty of the collector to make a full inquiry into the title of the holder of the lands, and to transmit his proceedings to the Board, who will decide whether the lands shall be deemed permanently liable to assessment.*

The courts of justice how to proceed, when accounts may be exhibited by the holder of such lands, which accounts may not have been delivered to the collector.

Fourth. *Provided further, that if the holder of any lands assessed under the rules of this regulation, shall institute a suit in court to contest the decision of the revenue authorities, and shall produce any accounts or documents besides such as he may have delivered to the collector, the accounts or documents so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless he shall shew good cause, to the satisfaction of the court, for not having produced the said accounts or documents, and shall prove that he assigned such cause in answer to the collector's requisition.*

Proprietors or farmers omitting to attend, or refusing to furnish the accounts required from them, liable to a daily fine.

Fifth. *Provided also, that if any proprietor or farmer shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the collector or commissioner, by the time prescribed in the notice issued by the collector or commis-*

sioner, or shall omit or refuse to furnish the accounts or documents required, and to shew sufficient cause for such omission, the Board of Revenue, or other authority exercising the powers of that Board, are authorised and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Zemindars or other persons resisting the attachment or measurement of their lands, to pay a fine to Government.

XIV. If any zemindar *or other person shall resist or cause to be resisted the attachment or measurement of lands, which the Board of Revenue or other authority exercising the powers of that Board shall have authorized the collector or commissioner to attach or measure, under the provisions of this regulation, or shall resist or cause to be resisted any process duly issued by the collector or commissioner, to compel a* putwarree, gomashtah, *or other officer, to produce his accounts, and to give his evidence respecting them, under the provisions contained in Section* 13. *of this regulation ; it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, on being satisfied that he is guilty of the charge, to adjudge the* zemindar, *or other person so offending, to pay such fine to Government, as may appear to it proper, upon a consideration of his situation and circumstances in life, and of the offence which he may have committed, and to levy the fine in the mode prescribed for the recovery of arrears of revenue ; provided, however, that if the fine shall exceed* 500 *rupees, the Board shall submit a report of the case to the Governor General in Council, and shall not proceed to levy the fine, until they shall receive authority from Government for that purpose.*

Such fine when exceeding 500 rupees, shall be reported to the Governor General in Council for orders.

The present Regulation not to affect waste lands included within the ascertained boundaries of estates for which a permanent settlement has been concluded.

XV. Nothing in the present regulation shall be considered to affect the right of the proprietors of estates, for which a permanent settlement has been concluded, to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively, at the period of the decennial settlement, and which have since been, or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands, were guaranteed to the proprietors by the condition of that settlement, and it being left to the courts of judicature to decide on all contested cases, whether lands assessed under the provisions of this regulation were included at the period of the decennial settlement, within the limits of estates for which a settlement has been concluded, in perpetuity, and to reverse the decision of the revenue authorities, in any case in which it shall appear that lands which actually formed at the period in question a component part of such an estate, have been unjustly subjected to assessment under the provisions of this regulation, the zemindars, *and other proprietors of land will be enabled by an application to the courts to obtain immediate redress, in any case in which the revenue authorities shall violate, or encroach on the rights secured to them by the permanent settlement.*

A. D. 1819. REGULATION II.

A REGULATION *for modifying the Provisions contained in the existing Regulations regarding the Resumption of the Revenue of Lands held free of Assessment under illegal or invalid Tenures; and for defining the Right of Government to the Revenue of Lands not included within the Limits of Estates for which a Settlement has been made.*—PASSED *by the Governor General in Council, on the* 12*th February* 1819; *corresponding with the* 2*d Phagoon* 1225 *Bengal era; the* 2*d Phagoon* 1226 *Fussily; the* 3*d Phagoon* 1226 *Willaity; the* 2*d Phagoon* 1875 *Sumbut; and the* 16*th Rubee-us-Sanee* 1234 *Higeree.*

Preamble.

THE rules contained in Regulations XIX. and XXXVII. 1793, relative to the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and the corresponding provisions enacted in subsequent years, having been found inadequate to secure the just rights of Government, have from time to time been partially repealed, or modified. Those rules, however, are still in force within several of the districts subordinate to this presidency, and the regulations by which they have in other districts been superseded, appear to be in several respects defective. It further appears to be necessary, in order to obviate all misapprehension on the part of the public officers, or of individuals, to declare generally the right of Government to assess all lands, which at the period of the decennial settlement were not included within the limit of an estate for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the above period, nor lands held free of assessment under a valid and legal title; and at the same time formally to renounce all claim on the part of Government to additional revenue from lands which were included within the limits of estates, for which a permanent settlement has been concluded, at the period when such settlement was so concluded, whether on the plea of error or fraud, or on any pretext whatever, saving of course *mohauls* expressly excluded from the operation of the settlement. With the view therefore of establishing, on proper principles, one uniform course of proceeding in resuming the revenue of lands liable to assessment; so that the dues of Government may be secured without infringement of the just rights of individuals, the following rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately subordinate to the presidency of Fort William.

Certain regulations rescinded.

II. *First.* Regulation VIII. of 1811; Regulation V. of 1813; and Regulations XI. and XXIII. of 1817, are hereby rescinded.

Certain parts of former regulations rescinded.

Second. Sections 12, 13, 14, 16, and 19, Regulation XIX. 1793; Sections 7, 8, 9, 11, and 14, Regulation XXXVII. 1793; Sections 12, 13, 14, 16, 19, Regulation XLI. 1795; Sections 7, 8, 9, 11, 14, Regulation XLII. 1795; Sections 7, 8, 9, 11, 14, Regulation XXXI. 1803; Sections 7, 8, 9, 11, 14, Regulation XXXVI. 1803, are likewise hereby declared to be rescinded.

Lands not included in the decennial settlement, or for which a distinct settlement may not have been concluded, are liable

III. *First.* It is hereby declared and enacted, that all lands which at the period of the decennial settlement were not included within the limits of any *pergunnah*, *mouza*, or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held

to assessment excepting lands held free of assessment under a valid and legal title.

held free of assessment under a valid and legal title of the nature specified in Regulations XIX. and XXXVII. 1793, and in the corresponding regulations subsequently enacted, are, and shall be considered liable to assessment, in the same manner as other unsettled *mohauls*, and the revenue assessed on all such lands, whether exceeding one hundred *beeghas* or otherwise, shall belong to Government; provided, however, that nothing in the above rule shall be construed to affect the rights reserved to *zemindars*, *talookdars*, and other proprietors of estates, with whom a permanent settlement has been concluded, to the exclusive enjoyment of the rent assessed on lands held on an invalid tenure, free of assessment, within the limits of their respective estates and *talooks*, and of which the extent may not exceed one hundred *beeghas* if in Bengal, Behar, or Orissa, and fifty *beeghas* if within the province of Benares.

Proviso.

The same principle applicable to *churs* and alluvion lands.

Second. The foregoing principles shall be deemed applicable, not only to tracts of land such as are described to have been brought into cultivation in the Sunderbuns, but to all *churs*, and islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion, or dereliction since that period, whether from an intercession of the sea, an alteration in the course of rivers, or the gradual accession of soil on their banks.

Also to lands included within *talooks* of a particular description.

Third. The same principle shall likewise be deemed applicable to all lands, which though included at the period of the permanent settlement within the limits of *talooks* held by individuals under special *pottahs* from the collector, such as the *puttetabady* and *jungleboree talooks* in the districts of the 24-Pergunnahs and Jessore, may not have been permanently assessed at the above-mentioned period; provided, however, that in respect to such lands, if in the possession of the original *pottah* holder, or his legal representative, the conditions of the *pottah* in regard to the assessment of the land included within the limits specified in that instrument, shall be strictly maintained.

Proviso.

Application of certain provisions of existing regulations to grants for holding lands under *mocurreree* or certain other tenures.

IV. The several rules prescribed in Regulations XIX. and XXXVII. of 1793, and Regulations XLI. and XLII. of 1795, Regulations XXXI. and XXXVI. of 1803, Regulations VIII. and XII. of 1805, for determining the validity of grants for holding lands exempt from the payment of public revenue, are hereby declared applicable to grants for holding lands under *mocurreree* or other tenures, limiting the demand of Government; provided, however, that nothing in this section shall be construed to affect the rules contained in Regulation VIII. 1793, relative to the assessment of lands held under valid grants, or leases, of the above nature, nor to alter the provisions contained in Regulation I. 1815, by which tenures of that description are declared liable to assessment on the death of the grantee.

Proviso.

Course of proceeding preparatory to an investigation regarding the liability of such lands to be assessed.

V. *First.* Whenever a collector of revenue, or other officer exercising the powers of collector, shall have reason to believe that any lands lying within the sphere of his official control are liable to assessment, either as being held under an invalid tenure free of assessment, or at an inadequate *jumma*, or as being liable to assessment on the principles stated in Section 3. of this regulation, he shall report the circumstances to the Board of Revenue, or other authority exercising the powers of that Board, who, should they be of opinion that proper grounds exist for inquiry, shall direct the collector or other officer aforesaid to enter on an investigation of the case in the manner hereafter mentioned.

Notice to be served on the party.

Second. The collector, on receiving the authority of the Board of Revenue, shall call the party before him by a notice, stating the demand of Government on the lands, and requiring him to attend either in person, or by *vakeel*, within the period of one month, and to produce all *sunnuds*, or other writings in virtue of which he may possess the lands, or under which they may have been, or may be claimed to be held free of assessment, or at a fixed *jumma*.

Or to his agent, if any accredited agent reside at the *sudder* station.

Third. If the persons whose lands it is proposed to assess, have an accredited agent at the *sudder* station with general powers to act for his principal, the notice to be issued under the preceding clause, shall be tendered to such agent, to be communicated by him to his principal; and the agent's acknowledgment to be endorsed upon it shall be accepted as a sufficient service of it, if he be desirous of giving such acknowledgment, in preference to the notice being served on the person of his principal by a *chuprasy* or *peon* of the collector.

Fourth. If the person, the revenue of whose lands it is proposed to resume, shall not have an accredited agent at the *sudder* station of the description above mentioned; or if such agent shall decline receiving the notice for communication to his constituent, and the defendant be resident within the collectorship; it shall be served on him through the *nazir* of the collector by a single *chuprasy*, or *peon*, who shall require the acknowledgment of the party to be endorsed upon it, or, if he be absent from his usual place of residence, the acknowledgment of his principal agent, or of any person acting for him during his absence. If the party be resident within the jurisdiction of any other collectorship than that in which the lands proposed to be assessed are situated, the notice shall be transmitted to the collector of the district in which the party may reside, to be served in the manner above directed.—If the party be neither resident within the collectorship in which the lands in question may be situated, nor in any other collectorship; the notice shall be served upon his agent or representative in charge of the lands.

Notice on the principal to be served through the nazir by a single peon.

Notice how to be served if the party reside in another jurisdiction.

Fifth. Provided always, that if any party or his agent in charge of his land, on whom a notice may be served in the manner above prescribed, shall refuse to acknowledge the receipt of it when required by the person serving it, the tender of the notice to such party or his agent shall be taken for a sufficient service; such tender to be proved by the evidence of two persons residing on the lands, or in the nearest village.

If an acknowledgment be refused, the tender to be considered as sufficient notice.

Sixth. The collector shall, in the notice summoning the party, warn him, that if he withhold any writings of the nature specified in the second clause of this section, within the period prescribed, they will not afterwards be received, unless he shall shew good and sufficient cause for not producing them, and shall assign such cause on his appearing before him.

What to be contained in the notice.

VI. *First.* If the holder of such lands to whom a notice may have been issued as directed in the preceding section, shall abscond, or is not after diligent search to be found, or shall shut himself up in any house or building, or retire to any place, so that the notice cannot be served upon him, the collector or other officer exercising the power of collector, on receiving the *nazir's* return to this effect, shall issue a proclamation, to be affixed in some conspicuous part of his *cutcherree*. The proclamation shall be written in the Persian and Bengal languages in the provinces of Bengal, and Orissa, (including Cuttack;) in the Persian language and character, and in the Hindoostanee language and Nagree character in Behar, Benares, and in the ceded and conquered provinces; and it shall contain a copy of the former notice, and a further notification to the party, that if he shall not appear on a day to be fixed, (which shall not be less than fifteen days from the time that the proclamation may be fixed up,) the collector will proceed, without further notice, to hold the inquiry *ex parte*. The collector or other officer exercising the power of collector, shall likewise order a copy of the proclamation and notice to be fixed up, with all practicable despatch, on the outer door of the house in which the holder of the lands may have usually dwelt, or in some conspicuous place in the chief village within, or in the neighbourhood of the lands proposed to be assessed.

If notice cannot be served, a proclamation to be issued.

What is to be contained in the proclamation.

Copy of the proclamation where to be fixed up.

Second. The *nazir* shall return the order with an endorsement, stating at what times and places the proclamation may have been fixed up. The return of the *nazir* shall be filed with the collector's proceedings in the case. If the party shall not appear at the time limited in the proclamation, or if a party who may have been served with a notice shall not appear within the time therein limited, or if having appeared, he shall refuse to give answer, the collector shall proceed to investigate and decide upon the case in the same manner, as if the party had appeared, answered, and entered into proof.

Nazir's return how to be made.

If the party shall not appear, or shall refuse to answer, the case to be investigated.

VII. In cases of land supposed to be liable to assessment under the provisions of Section 3. of this regulation, the collector or other officer exercising the powers of the collector, shall institute a full and particular inquiry into the circumstances and condition of the land in question, at the period of the decennial settlement; and in cases of alluvion land, into the period of its formation.

What inquiry to be made.

VIII. When an inquiry in regard to land of the nature of that described in the foregoing section shall have been authorized, it shall be competent to the collector, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, previously

Collector with the sanction of the Board may cause a survey or measurement to be made.

previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands may be alleged to belong.

Collector may summon *putwaree* and require accounts, and examine on oath.

IX. It shall likewise be competent to the collector, in all cases of inquiry held under the provisions of this regulation, to summon the *putwaree*, *gomashtah*, or other person by whom the accounts relating to the lands proposed to be assessed, or to the estate to which the lands may be alleged to belong, are kept, and to require him to produce all accounts relating to such lands or estate, and to examine him on oath to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate, in the manner specified in Section 22, Regulation XII. of 1817.

And may require the attendance of the person claiming the land, with his accounts.

X. It shall be further competent to the collector in such cases, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, to require the person claiming to be proprietor or farmer of the lands proposed to be assessed, or of the estates to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate, within a reasonable period, not being less than one week.

Notice to be served on such person.

XI. *First.* Whenever the collector or person exercising the powers of collector, shall require the attendance of any proprietor or farmer, or of any *putwaree* or *gomashtah* or other officer, for the purpose stated in the above section, he is to serve such proprietor or other person as aforesaid, with a written notice under his official seal and signature, stating the purpose for which his attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.

Such notice to be served in conformity with Section 3 Regulation XIV. 1793.

Second. Provided further, that the rules contained in Section 3, Regulation XIV. 1793, regarding the mode of serving process for the recovery of arrears of revenue, shall be held applicable to process issued by a collector or other officer exercising the powers of a collector, under the provisions contained in Sections 9. and 10. of this regulation; excepting always so much of the said rules, as prescribes, that the *peon* serving the summons shall be paid by the party in whose name it is issued.

Exception.

Penalties on *putwarees* neglecting to produce accounts, or falsifying them, or giving false evidence regarding them.

XII. If any *putwaree*, *gomashtah*, or other person by whom the accounts of lands are kept, and who may be summoned by a collector or commissioner, under the provisions contained in Sections 9. and 11. of this regulation, shall neglect or omit to produce his original accounts on the requisition of the collector or commissioner, or to give his evidence regarding them, or shall intentionally and deliberately give a false deposit on on oath before the collector or commissioner, when summoned and examined as aforesaid, or shall alter, fabricate, falsify, or mutilate the accounts relating to such lands, or to the estate to which such lands are stated to belong, shall be and be held liable to the pains and penalties specified in Sections, 23, 26, and 27, of Regulation XII. 1817, according as the provisions of one or other of those sections may be applicable to the offence committed by him.

Lands may be attached, if the holders of them neglect to furnish accounts.

In such cases a full inquiry to be made by the collector into the title of the holder.

Accounts not furnished to the revenue authorities shall not afterwards be received in evidence in courts of justice, in suits instituted to contest the decision of those authorities.

Exception.

XIII. *First.* If the holder of any lands, in regard to which the collector shall have been authorized by the Board of Revenue, or other authority exercising the powers of that Board, to institute the inquiry described by Section 7. of this regulation, shall refuse or neglect to furnish the accounts relating to such lands, within the period specified in the collector's requisition, the Board of Revenue, or other authority exercising the powers of that Board, shall be competent to direct the lands to be immediately attached, and the rents collected on account of Government, in the same manner as if the lands were the property of Government. In such cases, however, it shall still be the duty of the collector to make a full inquiry into the title of the holder of the lands, and to transmit his proceedings to the Board, who will decide whether the lands shall be deemed permanently liable to assessment.

Second. Provided further, that if the holder of any lands assessed under the rules of this regulation, shall institute a suit in court to contest the decision of the revenue authorities, and shall produce any accounts or documents beside such as he may have delivered to the collector, the accounts or documents so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed; unless he shall show good cause, to the satisfaction of the court, for not having produced the said accounts, or documents, and shall prove that he assigned such cause in answer to the collector's requisition, or shew good cause for not having done so.

Third. Provided also, that if any proprietor or farmer shall omit or refuse to attend, or to cause his officer or agent to attend when duly summoned by the collector or commissioner by the time prescribed in the notice issued by the collector or commissioner, or shall omit or refuse to furnish the accounts or documents required, and to shew sufficient cause for such omission; the Board of Revenue or other authority exercising the powers of that Board, are authorized and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

In what cases fines may be imposed for non-attendance of a proprietor or his agents, or for omission to furnish accounts.

XIV. If any *zemindars* or other person shall resist or cause to be resisted, the attachment or measurement of lands, which the Board of Revenue or other authority exercising the powers of that Board, shall have authorized the collector or commissioner to attach or measure, under the provisions of this regulation, or shall resist or cause to be resisted any process duly issued by the collector or commissioner, to compel a *putwaree, gumashtah* or other officer to produce his accounts, and to give his evidence respecting them under the provisions contained in Section 9. of this regulation; it shall be competent to the Board of Revenue or other authority exercising the powers of that Board, on being satisfied that he is guilty of the charge, to adjudge the *zemindar* or other person so offending, to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and of the offence which he may have committed, and to levy the fine in the mode prescribed for the recovery of arrears of revenue; provided, however, that if the fine shall exceed five hundred rupees, the Board shall submit a report of the case to the Governor General in Council, and shall not proceed to levy the fine, until they shall receive authority from Government for that purpose.

Penalties for resistance of process issued under this regulation.

Proviso.

XV. When the party, whose lands it may be proposed to assess, shall appear in conformity with the notice or summons, and shall deliver up his title deeds, the collector shall give a receipt for them, and after duly examining them, shall deliver to the party a statement of the grounds on which his land may appear liable to assessment, with copies, on plain paper, of all documents on which his opinion may be founded. The collector shall then desire the party to deliver a written answer within seven days.

Duty of collector when parties attend and produce their title deeds.

XVI. It shall be the duty of the collector, or other officer exercising the powers of collector, carefully to number, mark, date, and sign all documents produced by a *zemindar*, or other person in possession of the lands proposed to be assessed, in support of his claim, to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before him; and the collector shall, before proceeding to judgment, warn the party that no accounts or other documentary evidence of any kind which he shall not produce before him, and for not producing which he may not assign good and sufficient cause, will be received at any future period, either by the revenue or judicial authorities, and shall record his having done so on the face of his proceedings.

The same subject continued.

XVII. On receiving the answer of the party, the collector shall summon any witnesses he may deem necessary to support the claim of Government, with any which the party may desire to have summoned on his behalf, and shall take their depositions in judicial form, and in the presence of the party, or his authorized agent.

Witnesses for and against the claim of Government to be examined.

XVIII. The collector shall carefully examine all documents that may be produced by the party, and shall likewise give the party access to inspect all documents on which he may rely, in proof of the liability of the land to assessment.

Documents to be examined, and the party to be allowed access to the documents in support of the claim of Government.

XIX. *First.* The collectors and other officers exercising the powers of collectors, are hereby authorized to summon witnesses and administer oaths, or cause the execution of solemn declarations in lieu thereof, in all cases brought before them under this regulation, conformably with the provisions of Section 6. Regulation IV. 1793, and Section 2, Regulation I. 1803, corresponding with Section 7, Regulation III. 1803, and clause sixth, Section 25, Regulation VIII. 1803, for the conquered and ceded provinces; provided, that if any witness

Collectors vested with authority to examine witnesses on oath, &c. in judicial form.

Rule with regard to witnesses refusing to take the oath.

witness shall refuse to take the oath required from him, he shall be sent to the judge of the *zillah* or city court, to be confined as prescribed by the regulations in similar cases.

Penalties for perjury and subornation of perjury in the existing regulations applicable to such witnesses.

Second. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a collector or other officer exercising the powers of collector, under this regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the regulations; and any person causing or procuring another person to commit the offence of perjury, as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said regulations.

Penalties for resistance of process.

Third. Persons resisting any process issued by the collector, or other officer exercising the power of collector, in any case depending before him under this regulation, shall, in addition to the penalty prescribed in Section 14, be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV. 1793, Regulation VI. 1795, and Regulation XXVII. 1803, under the provisions therein specified.

Collector how to proceed on the completion of the inquiry.

XX. Having closed his proceedings, the collector shall record his opinion in a Persian *roobakaree*, detailing the grounds on which it is founded, and whether the lands appear liable to assessment or otherwise; and shall forward his proceedings to the Board of Revenue or other authority exercising the powers of that Board, in such mode as may be directed by that authority, furnishing the party at the same time with a copy on plain paper of the final *roobakaree* aforesaid, and reporting his having done so to the Board, or other authority aforesaid.

Boards how to act on the receipt of the collector's proceedings.

XXI. *First.* The Board of Revenue or other authority aforesaid, after calling for any further evidence which, on a consideration of the collector's proceedings they may deem wanting, shall, on a day to be fixed by a public notice affixed in the office, not being less than six weeks from the date on which the collector may have furnished the party with a copy of his final *roobakaree*, and after hearing any thing which the party, if in attendance, may wish to urge in his own behalf, proceed to pass judgment in the case, and shall record their opinion in a Persian *roobakaree*, delivering a copy thereof to the party, on his requisition to that effect.

Final *roobakarees* what to contain.

Second. The final *roobakarees* which the collector and the Boards are by the provisions of this section directed to record, shall contain a distinct statement of the subject matter of the case, the grounds on which the decision may be given, the names of the witnesses whose depositions may have been taken, and the title of every exhibit read.

In what cases the decision of the Boards to be final.

Third. If the Board of Revenue or other authority aforesaid, pronounce against the assessment, the proceedings shall be considered final, except on proof in a court of judicature of fraud or collusion in the previous inquiry.

If the land be declared liable to assessment, the collector to form the assessment.

Fourth. In the event of the Board's declaring the lands liable to assessment, the collector shall inform the party or his *vakeel* of the decision of the Board, and shall proceed to ascertain the limits of the land, and shall fix an assessment on the principles of the general regulations on such information as may be procurable.

Under what circumstances the party may be left in possession of the land.

XXII. *First.* If the party shall within a fortnight of his receiving intimation of the Board's decision, tender to the collector responsible security, for the payment, from that date, of the *jumma* which may eventually be fixed on the land, with interest at the rate of twelve per cent. and shall engage to institute a suit in the court in which the case may be cognisable within ten days commencing from the date of the deed of security, or (if the court shall be shut, and shall not be opened until after the expiration of such ten days) within three days, calculating from the day on which it may be opened, to try the justness of the demand, the collector shall leave the party in possession as before, reporting the circumstance for the information of the Board; Provided however, that in such cases the party shall produce all his accounts of collections for the information of the collector, in estimating the amount of the security to be required.

Proviso.

Collector how to proceed, if the party do not furnish full security.

Second. If the party be willing to give security for a portion only of the *jumma* eventually assessable on the land, it shall be competent to him to do so on the conditions above specified.

specified. In this case, the collector shall, under the orders of the Board, either hold the lands *khas*, or farm them, for such period as the Board may direct, and shall pay to the party a portion of the collections, proportionate to the amount for which he may be willing and able to give responsible security.

Third. It shall be competent to the court to direct the collector to take the security offered by the party, if he shall refuse to do so, and the court shall be satisfied that it is sufficient; but it shall rest with the collector, subject to the directions of the Board, to fix the amount for which the surety is to be held bound.

The court may determine on the sufficiency of the security tendered.

Fourth. The amount shall not, in the first instance, exceed the estimated annual revenue assessable on the lands, or the amount receivable by the party in one year, with interest; but if at the expiration of one year from the date on which the party may receive intimation of the Board's decision, the suit shall still be pending, it shall be competent to the collector to require additional security for the same amount.

Amount of security how to be regulated.

Fifth. In *mocurrerees*, the parties giving security, and intending to sue, shall continue to pay the *mocurreree jumma*, and will be required to give security for the remaining revenue, which may be eventually demandable from them.

Ditto with regard to *mocurrerees*.

XXIII. If the party do not give security, or having given security neglect to sue, the collector shall proceed to the final assessment of the land.

In what case the collectors authorised to proceed to a final assessment.

XXIV. *First.* Persons whose lands may be assessed, either in failure to give security, or to institute a suit within the prescribed time, shall nevertheless be entitled to sue any time, within one year from the date of their being informed of the Board's decision, but after the above period shall have elapsed, the decision of the Board shall be final and conclusive; provided, however, that in the cases in which the party may be able to shew good and sufficient cause for not having sued within the said period, such as minority or absence, no limitation as to time shall prevail other than that generally prescribed by the existing regulations in regard to private claims.

Limitation of time for the institution of suits in civil courts.

Proviso.

Second. Provided also, that in cases in which the Board of Revenue, or other authority exercising the powers of that Board, may have directed the resumption of lands held free of assessment under the powers vested in them by Regulation VIII. 1811, Regulation V. 1813, and Regulations XI. and XXIII. 1817, if the parties whose lands have been assessed shall be able to shew good and sufficient cause for not having instituted a suit to try the merits of the Board's decision, within the period prescribed by those regulations, they shall in like manner be subject only to such limitation in respect to time, as is prescribed generally in regard to private claims.

Further proviso.

XXV. If the net annual produce of the land proposed to be assessed, after deducting five per cent. for charges of management and 1-11th of the remainder as the allowance for *malikana*, together with the amount of any revenue for which the party may already be liable (as in the case of lands held under a *mocurreree* tenure), shall not exceed the sum of rupees five hundred, the suit to be instituted under the provisions of the foregoing section, shall be in the first instance heard and determined in the *sillah* court within the jurisdiction of which the lands in question may be situated. If the net annual produce calculated as above shall exceed the aforesaid sum of rupees five hundred, the suit shall in the first instance be heard and determined in the provincial court.

In what courts, suits under this regulation are to be instituted.

First. In cases instituted in the *sillah* court (which shall be determined by the Judge and shall not be referrible to the register) a special appeal only shall lie to the provincial court, and in like manner in cases decided in the first instance by the provincial court, an appeal shall be received by the court of Sudder Dewanny Adawlut, on special grounds only; provided, however, that the above restrictions shall not apply to cases in which the amount in contest shall exceed the sum of five thousand pounds sterling, in which a regular appeal shall lie to the court of Sudder Dewanny Adawlut.

Suits instituted in the *sillah* courts to be tried by the judge, subject to one special appeal to the provincial court.

Suits decided in the first instance in the provincial court, subject to a special appeal to the Sudder Dewanny Adawlut.

Second. Provided also, that the provisions contained in Section 2, Regulation XXVI. of 1814, shall not be applicable to such appeals, but the Sudder Dewanny Adawlut, or provincial court, in all cases of special appeal being preferred in conformity with the provisions of this regulation, shall, together with the decree against which such appeal may be lodged, likewise

Proviso.

Provisions of Section 2, Regulation XXVI. 1814, not applicable to such appeals.

likewise peruse the final *roobakaree* filed in the case by the Board of Revenue, or other authority exercising the powers of that Board; and if, on a consideration of those documents, the decision of the court should appear unjust, or erroneous, or doubtful, or its proceedings in the case manifestly irregular or imperfect, or if from the nature of the cause, as stated in the decree, or otherwise, it shall appear to them of sufficient importance to merit a further investigation in appeal, they shall admit a special appeal.

Provision regarding stampt paper and fees on such suits.

XXVII. In cases in which parties whose lands the revenue authorities may adjudge liable to assessment, shall bring a suit to contest the decision, in the manner prescribed in Section 22. of this regulation, the petition of plaint shall be received on stampt paper of the value of one rupee: provided however, that if the suit be decided in favour of Government, the plaintiff shall be answerable for the amount of the stampt duty which he would have had to pay under the ordinary rules regarding civil suits, in lieu of the institution fee, unless the court shall decide that there was a fair ground for contesting the decision of the Board.

Validity of *firmaunes*, *sunnuds*, or grants to be carefully ascertained.

XXVIII. *First.* On the production of any written document purporting to be a *firmaun* of any king of Delhi, or to be a *sunnud*, *perwannah*, or other grant, of any Vizier, or of any Nuwab, Raja, or other potentate or person formerly exercising authority in any part of the provinces and territories now subject to the British Government, it shall be the duty of the revenue and judicial authorities, before whom such document may be produced, to ascertain the validity and authenticity of it, by reference to such offices and records, and by the examination of such living witnesses as may be likely to lead to the due appreciation thereof. And the said authorities shall not receive such document in evidence merely on the credit of the seal, or other attestations impressed upon it, without some external evidence in corroboration of its authenticity.

Such deeds not to be received unless duly registered.

Second. Provided also that no document of the above description, which may be produced to any court or *adawlut*, shall be received, nor any proceedings held thereon, nor any faith given thereto, unless it shall be proved that the said document has been duly registered under the rules and requisitions of Regulations XIX. and XXXVII. 1793, XLI. and XLII. 1795, VIII. 1800, XXXI. and XXXVI. 1803, and VII. 1808, or unless due cause be shewn for the non-registry.

The general provisions of this regulation applicable to cases in which the collector may suspect the validity of original tenures of land, subsequently commuted for the money pensions noticed in Regulation XXIV. 1803, and Regulation VI. 1817.

XXIX. Whenever a collector or other officer exercising the powers of collector shall have reason to suspect the validity of the original tenure under which any land subsequently commuted for a money pension, of the description noticed in Regulation XXIV. 1803, and Regulation VI. 1817, was held, it shall be competent to him, with the previous sanction of the Board of Revenue or other authority exercising the powers of that Board, to proceed in the investigation of the tenure under which such land was held, in the same manner as collectors are authorized by this regulation to proceed in regard to the tenure of lands now held free of assessment; and if the Board shall be of opinion that the tenure was invalid, it shall be competent to them to resume the money pension granted in consideration thereof, subject to an appeal to the courts of judicature, in the manner prescribed by this regulation, in cases in which the Board may direct the assessment of land held free of assessment: provided, however, that it shall not be competent to the revenue authorities to resume any money pension of the above description, of which the incumbent may have been in the enjoyment under orders of the Governor General in Council for a period of twelve years or more.

Proviso.

Certain suits instituted in the civil courts to be referred to the collectors, and parties hereby authorized to prefer certain claims in the first instance to the collectors.

XXX. *First.* All suits preferred in a court of judicature by proprietors, farmers, or *talookdars* to the revenue of any land held free of assessment, as well as all suits so preferred by individuals claiming to hold lands exempt from revenue, shall, immediately on their institution, be referred for investigation to the collector or other officer exercising the powers of collector. Provided also, that proprietors, farmers, or *talookdars*, who may deem themselves entitled to the revenue of any land held free of assessment in their respective estates, *talooks*, or farms, or individuals claiming as aforesaid to hold lands free of assessment, shall be at liberty to prefer their claims in the first instance to the collector. Provided further, that the party so preferring his claim directly to the collector, shall, in his petition to the collector, state the particulars of his claim, and the grounds on which it is founded, in like manner as if the suit were instituted in a court of judicature; and the petition shall be written on stampt paper of the value prescribed for petitions of plaint in suits instituted in those courts.

Proviso in the latter cases.

Second. On receiving a petition of the above nature from any proprietor, farmer, or *talookdar*, claiming the revenue of any land held free of assessment in their respective estates, or on a reference being, in such case, made from a court of judicature, the collector shall serve on the defendant a written notice, containing a short statement of the demand, and requiring the defendant to attend in person, or by *vakeel*, within the period of one month, and to produce all *sunnuds* or other documents in virtue of which he may possess the lands, and under which they may have been, or may be claimed to be held free of assessment.

Collector how to proceed when such suits are referred to him or instituted before him.

Third. When the defendant shall appear and deliver up his title deeds, the collector, after allowing the claimant to inspect and examine them, shall call upon him to deliver within the period of seven days, a full statement of the grounds on which, with reference to the documents, he may consider the tenure of the defendant invalid, and the lands liable to assessment, with all documents on which his claim to the revenue of them may be founded.

Continuation of the same subject.

Fourth. When the claimant shall have delivered in the said statement and document, the collector shall proceed to investigate the case, and to record his final judgment on it, in the same manner and with the same powers as in cases in which he may himself propose to assess lands on account of Government.

Ditto Ditto.

Fifth. The parties shall respectively be subject to the same rules in regard to the use of stampt paper, on summoning witnesses and filing exhibits, as are prescribed for suits instituted in the *zillah* or city courts.

Parties subject to the same rules regarding stampt paper as in regular suits.

Sixth. In cases in which Government may not be itself a party, and in which the suit may have been originally instituted in a court of judicature, the collector, on closing his proceedings, shall transmit them, with all documents therein referred to, to the court by which the reference may have been made, recording his sentiments on the case as prescribed in Sections 20. and 21. of this regulation, and the court shall proceed to decide the case after calling for such further evidence as may appear necessary. Provided, however, that no *sunnuds*, accounts, or other documentary evidence of any kind, which may not have been produced before the collector, and for not producing which the party may not have assigned a sufficient cause, shall be received by the court.

The collector's proceedings on suits referred to him to be returned to the court with his sentiments.

The court will then decide the case.

Seventh. In cases of the above description, which may have been preferred directly to the collector, if either of the parties shall be dissatisfied with the decision passed by that officer, he shall be at liberty to appeal to the *zillah* or city court by a petition written on stampt paper of the value of one rupee: provided, however, that no such appeal shall be received, unless preferred within the period of three months from the date of the collector's decision, or on good and sufficient cause being shewn for a further delay.

If the claim shall have been preferred in the first instance to the collector, the parties may appeal to the *zillah* court.

Eighth. The judge on receiving such petition shall require the collector to transmit all the proceedings held by him in the case, with the documents therein referred to, and shall proceed to investigate and decide on the case in like manner as if it had been originally instituted in the court, and referred by it to the collector.

Judge will then decide.

Ninth. In all cases in which Government may be the defendant, or in which the revenue of the lands claimed may form part of an estate liable to a variable assessment, the collector shall, on closing his proceedings, submit them to the Board of Revenue, or other authority exercising the powers of that Board, for their decision. In such cases, if the suit shall have been referred by a court of judicature, the collector shall postpone the transmission of his return to the reference, until he shall receive the orders of the Board, or other authority aforesaid, and if the claim shall have been originally preferred to the collector, the courts of judicature shall not interfere until the decision of the Board shall have been passed: provided, however, that in all such cases the decision of the Board shall be recorded in a Persian *roobakaree*, and transmitted to the collector in that form for the information of the parties: provided further, that in cases in which the claim may have been originally preferred to the collector, the party, if dissatisfied with the decision of the Board, shall be at liberty to appeal to the court by which the case may be cognizable, any time within the period of three months from the date on which the Board's decision may have been communicated to such party or to his *vakeel*, or in their absence, from the date on which the *roobakaree* containing the Board's decision may have been brought on the collector's record of the case.

In what case the proceeding to be submitted by the collector to the Board of Revenue.

Decision of the Board how to be communicated.

Parties dissatisfied, at liberty to appeal to the proper civil courts, within specific periods.

Tenth.

If no such appeal be preferred, the decision to be final.

And to be executed by the courts.

Tenth. If the party shall not apply to the court within the said period, and shall fail to shew good and sufficient cause for the delay, the decision of the revenue authorities shall be final, and shall, on application of the party in whose favour it may have been passed, be carried into effect by the courts of judicature, in the manner in which the decrees of courts are executed.

Proviso.

Eleventh. Provided also, that in cases in which the right of resuming the revenue of lands held free of assessment, or of recovering possession under such a tenure of lands which may have been subjected to assessment, shall have been adjudged by the revenue authorities, the courts shall in like manner carry the decision of the said authorities into immediate effect, notwithstanding the admission of an appeal therefrom, unless the party so applying shall give good and sufficient security for the payment of the mesne profits accruing from the lands under dispute.

A special appeal only to lie from the decision of the civil courts.

Twelfth. In cases of the above description, which may be decided by the courts of judicature, in appeal from the decision of the revenue authorities, whether the claim be preferred in the first instance to the court, or collector, a special appeal only shall be admitted by the superior court, excepting always, cases which from their amount may be appealable to the King in council. Provided also, that the rules contained in Section 26. of this regulation shall be applied to all appeals of the above nature.

Declaration that this regulation shall not be considered to affect the right of proprietors to waste lands which were guaranteed to them at the permanent settlement.

XXXI. *First.* Nothing in the present regulation shall be considered to affect the right of the proprietors of estates, for which a permanent settlement has been concluded, to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively, at the period of the decennial settlement, and which have since been or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement, and it being left to the courts of judicature to decide on all contested cases, whether lands assessed under the provisions of this regulation were included at the period of the decennial settlement within the limits of estates for which a settlement has been concluded in perpetuity, and to reverse the decision of the revenue authorities in any case in which it shall appear that lands which actually formed at the period in question a component part of such an estate have been unjustly subjected to assessment under the provisions of this regulation, the *zemindars*, and other proprietors of land, will be enabled by an application to the courts to obtain immediate redress in any case in which the revenue authorities shall violate, or encroach on the rights secured to them by the permanent settlement.

Nor to warrant the claim of additional revenue from lands permanently assessed on the plea of error or fraud.

Exception.

Second. It is further hereby declared and enacted, that all claims by the revenue authorities on behalf of Government to additional revenue from lands, which were at the period of the decennial settlement included within the limits of estates for which a permanent settlement has been concluded, whether on the plea of error or fraud, or on any pretext whatever, —saving of course the case of lands expressly excluded from the operation of the settlement, such as *lakheraj* and *thanadaree* lands,—shall be, and be considered wholly illegal and invalid.

A. D. 1825. REGULATION XI.

A REGULATION *for declaring the Rules to be observed in determining Claims to Lands gained by Alluvion, or by Dereliction of a River, or the Sea.*—PASSED *by the Governor General in Council, on the 26th May* 1825; *corresponding with the* 14*th Jeyte* 1232 *Bengal era; the* 24*th Jeyte* 1232 *Fussily; the* 15*th Jeyte* 1232 *Willaity; the* 9*th Jeyte* 1882 *Sumbut; and the* 17*th Sawaul* 1240 *Higeree.*

Preamble.

IN consequence of the frequent changes which take place in the channel of the principal rivers that intersect the provinces immediately subject to the presidency of Fort William, and the shifting of the sands which lie in the beds of those rivers, *churs*, or small islands, are often thrown up by alluvion in the midst of the stream, or near one of the banks, and large portions of lands are carried away by an encroachment of the river on one side, whilst accessions of land are at the same time, or in subsequent years, gained by dereliction of the water on the opposite side; similar instances of alluvion, encroachment, and dereliction, also sometimes occur on the sea coast which borders the southern and south eastern limits of Bengal. The lands gained from the rivers or sea by the means above mentioned, are a frequent source of contention and affray, and although the law and custom of the country have established rules applicable to such cases, these rules not being generally known, the courts of justice have sometimes found it difficult to determine the rights of litigant parties claiming *churs* or other lands gained in the manner above described. The court of Sudder Dewanny Adawlut, with a view to ascertain the legal provisions of the Mahomedan and Hindoo laws on this subject, called for reports from their law officers of each persuasion, and on consideration of the reports furnished by the law officers in consequence, as well as of the decisions which have been passed by the court of Sudder Dewanny Adawlut in cases brought before them in appeal which involved the rights of claimants to lands gained by alluvion, or by dereliction of rivers or the sea, the Governor General in Council has deemed it proper to enact the following rules for the general information of individuals, as well as for the guidance of the courts of judicature; to be in force, as soon as promulgated, throughout the whole of the provinces subject to the presidency of Fort William.

Claims and disputes relative to alluvial lands to be decided by immemorial and definite usage, when such shall be clearly recognised and established.

II. Whenever any clear and definite usage of *shekust pywust*, respecting the disjunction and junction of land, by the encroachment or recess of a river, may have been immemorially established, for determining the rights of the proprietors of two or more contiguous estates divided by a river, (such as that the main channel of the river dividing the estates shall be the constant boundary between them, whatever changes may take place in the course of the river, by encroachment on one side, and accession on the other,) the usage so established shall govern the decision of all claims and disputes relative to alluvial land, between the parties whose estates may be liable to such usage.

Where no such local usage may be established, the claims to be decided by the rules declared in the following sections.

III. Where there may be no local usage of the nature referred to in the preceding section, the general rules declared in the following section, shall be applied to the determination of all claims and disputes, relative to lands gained by alluvion or by dereliction either of a river or the sea.

IV.

Lands gained by gradual accession from the recess of a river or the sea, to be considered an increment to the tenure of the person to whose estate it may be annexed.

Proviso.

IV. *First.* When land may be gained by gradual accession, whether from the recess of a river, or of the sea, it shall be considered an increment to the tenure of the person to whose land or estate it is thus annexed, whether such land or estate be held immediately from Government, by a *zemindar* or other superior landholder, or as a subordinate tenure by any description of under-tenant whatever. Provided that the increment of land thus obtained shall not entitle the person in possession of the estate or tenure to which the land may be annexed, to a right of property or permanent interest therein beyond that possessed by him in the estate or tenure to which the land may be annexed, and shall not in any case be understood to exempt the holder of it, from the payment to Government of any assessment for the public revenue, to which it may be liable under the provisions of Regulation II. 1819, or of any other regulation in force. Nor if annexed to a subordinate tenure, held under a superior landholder, shall the under-tenant, whether a *khodkast ryot*, holding a *mouroosee istemraree* tenure at a fixed rate of rent per *beegha*, or any other description of under-tenant liable by his engagements, or by established usage to an increase of rent for the land annexed to his tenure by alluvion, be considered exempt from the payment of any increase of rent to which he may be justly liable.

When a river by a sudden change of its course may break through and intersect an estate, the lands so separated, being clearly recognised, shall remain the property of the original owner.

Second. The above rule shall not be considered applicable to cases in which a river, by a sudden change of its course, may break through and intersect an estate, without any gradual encroachment, or may by the violence of its stream separate a considerable piece of land from one estate, and join it to another estate, without destroying the identity, and preventing the recognition of the land so removed. In such cases the land, on being clearly recognised, shall remain the property of its original owner.

Churs or islands thrown up in a large and navigable river, (the channel between the islands and the shore not being fordable,) to be at the disposal of Government.

But if fordable, to whom they shall belong.

Third. When a *chur* or island may be thrown up in a large and navigable river, (the bed of which is not the property of an individual,) or in the sea, and the channel of the river or sea, between such island and the shore, may not be fordable, it shall, according to established usage, be at the disposal of Government. But if the channel between such island and the shore, be fordable at any season of the year, it shall be considered an accession to the land tenure or tenures of the person or persons, whose estate or estates may be most contiguous to it, subject to the several provisions specified in the first clause of this section, with respect to increment of land by gradual accession.

Claims to *churs*, &c. &c. thrown up in small and shallow rivers how to be determined.

Fourth. In small and shallow rivers, the beds of which, with the *julker* right of fishery, may have been heretofore recognised as the property of individuals, any sand bank or *chur* that may be thrown up, shall, as hitherto, belong to the proprietor of the bed of the river, subject to the provisions stated in the first clause of the present section.

Disputes relative to lands gained by alluvion or by dereliction of a river or the sea, not provided for by the provisions of the present regulation, how to be adjusted.

Fifth. In all other cases, viz. in all cases of claims and disputes respecting land gained by alluvion, or by dereliction of a river or the sea, which are not specifically provided for by the rules contained in this regulation; the courts of justice, in deciding upon such claims and disputes, shall be guided by the best evidence they may be able to obtain of established local usage, if there be any applicable to the case, or if not, by general principles of equity and justice.

Encroachments on beds of navigable rivers and other obstructions to their free navigation prohibited.

V. Nothing in this regulation shall be construed to justify any encroachments by individuals on the beds or channel of navigable rivers, or to prevent the *zillah* and city magistrates or any other officers of Government, who may be duly empowered for that purpose, from removing obstacles which appear to interfere with the safe and customary navigation of such rivers, or which shall, in any respect, obstruct the passage of boats by tracking on the banks of such rivers, or otherwise.

A. D. 1825. REGULATION XIII.

A REGULATION *to maintain the Settlement made for certain Lands held exempt from the Payment of Revenue by Canoongoes, in the Province of Behar; and to provide for the future Settlement of such Lands, as well as of the Lands composing other resumed lakheraj Tenures, with the present Occupants, when so directed by Government.*—PASSED *by the Governor General in Council, on the 7th July* 1825; *corresponding with the 25th Assaar* 1232 *Bengal era; the 7th Sawun* 1232 *Fussily; the 26th Assaar* 1232 *Willaity; the 7th Sawun* 1882 *Sumbut; and the 19th Zekaad* 1240 *Higeree.*

Preamble.

WHEREAS it was enacted by Section 5, Regulation II. of 1816, that the revenue of lands held by *canoongoes*, generally in the province of Behar, in virtue of their offices, should be liable to resumption; and accordingly under that law, various resumptions of lands so held took place, and the parties to whom the *zemindaree* interest in the same appeared to belong, were admitted to engage for the Government revenue; but on the consideration of the proceedings held under the provisions of the above rule, it appeared to the Governor General in Council to be improper wholly to deprive the *canoongoes*, or their representatives, of the advantages derived from such lands, and enjoyed by them for a long course of years; and it was accordingly resolved by Government, on the 14th February 1822, that in cases where the lands had been occupied and managed by the *canoongoes*, or their representatives, and the rents received by them, they should be replaced in possession of such lands, and a settlement made with them on the principle prescribed by clause second, Section 8, Regulation XIX. of 1793, viz. the revenue to be paid to Government to be equal to one-half of the annual produce (or rental) of the lands, calculated according to the rates at which other lands in the *pergunnah* of a similar description may be assessed, securing to the proprietors of the soil such *malikanah* or other allowance, as they might have received prior to the resumption of the official *minhye* tenure: and whereas the existing laws relative to the settlement of resumed *lakheraj* tenures, are not properly applicable to the case, and it appears to be expedient expressly to provide for the maintenance, by the courts of judicature, of the arrangement above described, in order that the *canoongoe minhyedars* may be secured in the possession (subject to the quit-rent fixed by Government) of the land, rents, and produce, heretofore possessed by them: and whereas it is desirable to provide for the settlement, on the same principle, of any lands that may be resumed under the corresponding rules relating to *canoongoes*, and their official tenures, in other parts of the country: and whereas it appears to be generally expedient to make a distinct provision for securing to the holders of *Lakheraj* lands, resumed by the officers of Government, and assessed on the principle prescribed in clause second, Section 8, Regulation XIX. 1793, the benefits which that law was designed to bestow; and to declare the competency of Government in other cases to continue the persons, who have heretofore occupied lands free of assessment, or their representatives, in the possession of the same, notwithstanding such lands being made subject to assessment; the following rules have been enacted for these purposes respectively, to be in force throughout the territories subject to the presidency of Fort William, from the date of the promulgation of this regulation.

II.

Under certain circumstances *minhyedars* and their heirs may be continued by Government in possession of resumed lands heretofore held as *lakheraj* tenures by *canoongoes*,

Subject to assessment.

Restriction on parties claiming *zemindaree* interest or other proprietary right,

Who are prohibited from disturbing the possession of *minhyedars*, whose possession has been sanctioned by Government.

Proviso.

II. In cases of *lakheraj* tenures resumed under the provisions of Regulation IV. 1806, Regulations II. and V. 1816, or any other regulation in force, relative to lands held by *canoongoes* by virtue of their offices, where the *minhye* or *lakheraj* tenure, and the right of property in the land, are vested in distinct parties, it shall be competent to the Governor General in Council, by instruction to the Revenue Board, or other authority empowered to make the resumption, to continue the *minhyedars* and their heirs, in possession and management of such lands, subject to such assessment as he shall judge it proper to direct: and the parties claiming the *zemindaree* interest, or other proprietary right in such *mohauls*, shall not be entitled to any land-rent, produce, or profit beyond what they may have enjoyed up to the period of the resumption of the tenure, or would have been entitled to receive, in the event of Government having confirmed the same in perpetuity, free of assessment. Persons consequently claiming to be *maliks* of the said lands, who, during the continuance of the *lakheraj* tenure, had not possession of the same, whether they received a *malikanah* allowance, or otherwise, shall not disturb the possession of the *minhyedars*, or their heirs and representatives, in any case wherein the Governor General in Council may have sanctioned such possession; and any suit preferred by such persons in a court of judicature, to recover possession, contrary to the intent and meaning of this rule, shall be dismissed with costs. Provided however, that in all cases of the nature above-mentioned, wherein the *zemindar* or other proprietor of the land, may have received *malikanah* or proprietary due, during the existence of the *lakheraj* tenure, he shall continue to receive the same, notwithstanding the resumption of the *lakheraj*, in like manner as if such resumption had not taken place.

The tenures of *minhyedars* so situated, declared to be hereditary and transferrible; but should they escheat to Government, the parties possessing *zemindaree* interest will be admitted to engage for the revenue, subject to a fresh assessment.

III. The tenures of the *minhyedars* which have been confirmed to them, with the sanction of Government, by the arrangement referred to in the preamble of this regulation, or which may be so confirmed, in conformity with the proceeding section, are declared to be hereditary and transferrible: but should they escheat to Government, the parties possessing a *zemindaree* interest or other proprietary right in the lands, will be admitted to engage for the revenue, subject to a fresh assessment, to be adjusted on the actual assets under the general regulations.

The principles of the above section to be applicable to all cases of *lakheraj* resumptions coming within certain rules.

IV. The principles of Sections 2. and 3. of this regulation shall be considered applicable to all cases of *lakheraj* resumption under the general regulations in force, which may come within the favourable rule of assessment contained in the second clause of Section 8, Regulation XIX. 1793, in the provinces of Bengal, Behar, and Orissa, or the second clause of Section 8, Regulation XLI. 1795, in the province of Benares; it being the evident intention of the rule in question, that it should be applied to persons who had been long in possession of the *lakheraj* tenures made subject to assessment by the regulations above cited; and whom it appeared equitable, in consideration of their long possession, to leave in occupancy of the lands composing their respective tenures, at a moderate assessment, not exceeding a moiety of the annual rent produce.

Modifications of former regulations relative to the settlement of resumed *jaghire*, *altumgah*, *muddudmaash*, *ayma*, or other *badshahee* grants, and to the resumption of *lakheraj* tenures.

V. In modification of the existing rules contained in Regulations XXXVII. 1793, XLII. 1795, and XXXVI. 1803, or any other regulation in force, relative to the settlement of resumed *jaghire*, *altumgah*, *muddudmaash*, *ayma*, and other grants of land termed *badshahee*, or royal; and generally in qualification and explanation of all the rules in force relative to the resumption of *lakheraj* tenures and the future assessment of lands composing the same; it is hereby further declared, that whenever such tenures may be pronounced invalid or extinct, by a Revenue Board, or other authority empowered to investigate the *lakheraj* title in such tenures, under the provisions of Regulation II. 1819, or of any other regulation in force, it shall be competent to the Governor General in Council, on a special report of the circumstances of the case, when it may appear just and proper, in consideration of the long possession of the actual occupant of the land or of his ancestors, to direct his continuance in possession, though not the *zemindar*, *talookdar*, or other *malik* of the land, on his engaging for the future assessment, on such terms as may be prescribed by Government; and in such cases the whole of the provisions contained in Sections 2. and 3. of this regulation, shall be deemed applicable, and be maintained by the courts of judicature accordingly.

A. D. 1825. REGULATION XIV.

A REGULATION *to declare the Extent of the Authority possessed by the Revenue Authorities, subordinate to the Governor General in Council, in the Confirmation of lakheraj Tenures; to define the Principles to be followed in determining on the Force and Validity of Grants, made by Persons exercising Authority in different Quarters previously to the Acquisition of the Country by the British Government; and to provide for the due Application of the general Laws and Regulations respecting Lands held free of Assessment, to the Territory ceded by Govind Rao to the British Government, and annexed to the Zillah of Bundlecund, under the Provisions of Regulation II.* 1818.—PASSED *by the Governor General in Council, on the* 14*th July* 1825; *corresponding with the* 32*d Assaar* 1232 *Bengal era; the* 14*th Sawun* 1232 *Fussily; the* 1*st Sawun* 1232 *Willaity; the* 13*th Sawun* 1882 *Sumbut; and the* 26*th Zekaad* 1240 *Higeree.*

Preamble.

WHEREAS doubts have arisen as to the extent of the authority possessed by the revenue authorities subordinate to the Governor General in Council, in regard to the confirmation of *lakheraj* tenures, which it is expedient to remove; and it is also desirable further to define the principles to be followed in determining on the force and validity of grants made by persons exercising authority in different quarters, previously to the acquisition of the country by the British Government; and it is necessary to make provision for the due application of the general rules in force, relative to *lakheraj* tenures, to the territory ceded by Govind Rao to the British Government, and annexed to the *zillah* of Bundlecund under the provisions of Regulation II. 1818: and whereas it is enacted by clause first, Section 26, Regulation II. 1819, that in suits instituted in the *zillah* courts to contest the decisions passed by the Revenue Boards, under the provisions of that regulation, a special appeal only shall lie to the provincial courts, and that in like manner, in cases decided in the first instance by a provincial court, excepting cases ultimately appealable to the King in Council, an appeal shall be received by the Sudder Dewanny Adawlut on special grounds only: and it appears to be expedient that the above restriction should not apply to cases wherein the decision of the court may be opposed to the judgment of the Board of Revenue, or other authority exercising the powers of that Board, but that such cases should be open to a regular appeal: the following rules have been enacted, in addition to, and in modification of, the provisions of Regulations XIX. and XXXVII. 1793, Regulations XLI. and XLII. 1795, Regulations XXXI. and XXXVI. 1803, of such parts of Regulations VIII. and XII. 1805, as refer to *lakheraj* lands, and of Regulation II. 1819; to be in force, from the date of their promulgation, throughout the provinces immediately subject to the presidency of Fort William.

Lakheraj tenures declared not to be valid, except when granted or confirmed under the sanction of Government.

II. It is hereby declared and enacted that the power of granting *lakheraj* tenures, viz. tenures of land exempt from the public assessment, either for life, or in perpetuity, as well as of confirming such tenures, excepting by a regular judgment passed after a judicial inquiry, belongs and always has belonged exclusively to the supreme Government; and no act, order,

order, or decision, granting or confirming any tenure as aforesaid, within any of the territories subordinate to this presidency, after the annexation of such territories to the British dominions, shall be held valid, unless the same shall have been done, issued, or passed, by or under the immediate directions of the Governor General in Council; or by some officer expressly authorized by Government to grant or confirm such tenures, or with respect to the confirmation of grants duly authorized, by some competent court of judicature in a suit regularly tried and decided by it; or by one of the Revenue Boards acting in a judicial capacity, under the rules of Regulation VIII. 1811, whilst that regulation (rescinded by Section 2, of Regulation II. 1819) was in force; and subsequently under the rules of Regulation II. 1819, or any other regulation expressly empowering the Revenue Boards, after full investigation of claims to exemption from assessment under the general rules applicable to *lakheraj* tenures, to pronounce a decision against the assessment, to be considered final, except on proof, in a court of judicature, of fraud or collusion in the previous inquiry. Provided also, that no resolution or order passed by the Lieutenant Governor, and the Board of Commissioners in the ceded and conquered provinces, the Board of Revenue, or other authority exercising the powers of that Board, whereby the right of Government to assess any *lakheraj* lands may have been relinquished, or postponed, save and except decisions regularly passed according to the rules above cited, shall operate to the prejudice of Government, or be held to bar the revenue authorities from proceeding for the recovery of the public dues under the provisions of Regulation II. 1819, or any other rules in force, relative to the resumption of *lakheraj* tenures, held under invalid grants.

Or confirmed by a competent court of judicature, in a suit regularly tried and decided, or by a Revenue Board acting under special rules in a judicial capacity.

Right of Government to assess *lakheraj* lands not barred by resolutions or orders of certain officers and authorities, except as above excepted.

III. *First.* The following principles are to be observed, in determining the force and validity of grants made by persons exercising authority in the provinces subordinate to this presidency, previously to the acquisition of the country by the British Government.

Rules for trying the validity of grants made by persons previously to the acquisition of the country by the British Government.

Second. Lakheraj tenures, of which uninterrupted possession shall have been held exempt from assessment at and subsequently to the periods undermentioned, shall be and be considered to be valid, without evidence to any formal grant or confirmation of the same; and shall be continued to heirs in cases in which it may be clearly shown, from the nature and denomination of the tenure, that it is hereditary according to the ancient usage of the country; viz. the 12th August 1765, if the tenure be in Bengal, Behar, or Orissa, (excepting Cuttack); the 14th October 1791, if the tenure be in Cuttack, including Puttaspore or its dependencies; the 1st July 1775, if the tenure be in the province of Benares; the 10th November 1789, if the tenure be in the provinces ceded by the Nawaub Vizier in November 1801; the 1st January 1792, if in any of the provinces ceded by Dowlut Rao Scindia and the Peishwa under the treaties of the 16th and 30th December 1803; the 1st November 1805, if in the *pergunnah* of Khandah or other territory ceded by Nana Govind Rao on the 1st November 1817. Provided however, that the above rule shall not apply to cases of derivative tenures, wherein it may appear that the tenure is derived from a *jughiredar* or other person, who at any of the periods above specified held lands free of assessment under a temporary or conditional tenure. In all such cases, the parcels of the land so held shall follow the condition of the principal tenure; and if that be resumable, will consequently be liable to resumption.

Lakheraj tenures, of which uninterrupted possession shall have been held exempt from assessment at and after certain dates, to be held valid.

And in certain cases continued to heirs.

Proviso in cases of a derivative tenure from a *jaghiredar* or other person, who held rent-free lands under a temporary or conditional tenure.

In such cases parcels of land so held to follow the condition of the principal tenure.

Third. The proof of possession in the cases provided for by the preceding clause, and (in the case of persons not the original grantees) of the hereditary nature of the tenure, shall be on the parties claiming to hold or recover the *lakheraj* tenure: the general principle being that the ruling power is entitled to a certain proportion of the produce of every *beegha* of land, excepting so far as it shall have transferred, relinquished, or compounded its right thereto; and all parties claiming the benefit of such exceptions being bound to establish their respective claims and titles.

The proof of the title to rest with the persons claiming to hold or recover the *lakheraj* tenure.

Fourth. Provided also, that although one or more successions of any tenure as aforesaid may have taken place before the periods specified in the second clause, the fact shall not be taken to establish a title of inheritance, unless the tenure be clearly of an hereditary nature; or unless the right of inheritance therein shall have been admitted by the Governor General in Council, on a reference made to Government according to the rules in force applicable to such cases.

One or more successions to any tenure, previous to the periods above specified, not to establish a title of inheritance, unless it be of a hereditary nature.

Fifth. The courts of judicature and revenue authorities shall not recognise any potentate or person, as having been vested with the supreme power within any part of the provinces subordinate to this presidency, save and except the kings of Delhi, the *soobadars* of Bengal, Behar, and Orissa, and the several authorities specified in Regulation XLII. 1795, Regulation XXXVI. 1803, and Regulations VIII. and XII. 1805; and with respect to the territory ceded by Nana Govind Rao, save and except Raja Chuttersaul, and his predecessors, previously to the Mahratta conquest of that territory in the year 1802 of the Sumbut era (corresponding with 1730 of the Christian era); and subsequently thereto His Highness the Peishwa, who then obtained the supreme authority in the territory referred to. If in any case grants shall be produced, purporting to have been made or confirmed by any other person than as aforesaid, alleged to have been vested with the supreme power for the time being, and it shall appear to the court or other authority investigating the same, that the plea is well founded, the court or other authority before whom the case may be depending, shall, before passing any decision thereupon, refer the point to the Governor General in Council, and be guided by his determination.

The courts of judicature and revenue authorities shall not recognise any potentate or authorities, save the persons described in this clause to have been vested with supreme power.

Sixth. To the validity of grants made or confirmed by the kings of Delhi, or by any of the rulers aforesaid, it is and shall be held to be necessary;

Conditions requisite to establish the validity of grants made by the kings of Delhi or other of the authorities above specified.

1st. That they were made or confirmed within the period, during which the person granting or confirming the same possessed and exercised supreme power within the territory in which the lands specified in the grant are situate.

2d. That the grantee actually and *bonâ fide* obtained possession of the land granted within the said period.

3d. That the grant was not subsequently resumed by the officers or the orders of the Government for the time being, previously to the acquisition of the country by the British Government, or, if so resumed, that the competence of the officer to resume shall have been expressly disallowed by the Governor General in Council.

Seventh. The following shall be held, for the purposes specified in this regulation, to be the periods at which the several provinces subordinate to this presidency were acquired by the British Government, viz. for Bengal, Behar, and Orissa, (excepting Cuttack,) the 12th August 1765; for Benares the 1st July 1775; for the provinces ceded by the Nawaub Vizier the 1st January 1801; for the provinces ceded by Dowlut Rao Scindia and the Peishwa the 1st January 1803; for the province of Cuttack, Puttaspore, and its dependencies the 14th October 1803; for the *pergunnah* Khandah and the other territory ceded by Nana Govind Rao, the 1st November 1817.

Specification of the periods at which the several provinces subordinate to the presidency of Fort William were acquired by the British Government.

Eighth. To the validity of grants not made or confirmed by the supreme power, (excepting tenures of long possession, described in the second clause of this section,) it shall be held to be necessary;

Conditions necessary to the validity of grants not made or confirmed by the supreme power.

1st. That they were made or confirmed by some authority which the Governor General in Council shall have expressly declared competent to make or confirm the same.

2d. That the grantee actually and *bonâ fide* obtained possession of the land granted; and that the revenue of the land was not subsequently resumed by competent authority.

Ninth. Provided also that in cases in which any *lakheraj* tenure may have been resumed previously to the acquisition of the country by the British Government, the determination of the question, whether the officer, by whom, or by whose order the resumption may have been made, was legally competent to do so, shall in all cases, wherein it may be necessary to determine this question, rest with the Governor General in Council. Moreover, all questions touching the validity of grants made or confirmed by any officer subordinate to the supreme power, or the legal effect of resumption by any such officer, which may not have been expressly provided for by the regulations, and which may be material to the decision of any suit or inquiry, shall be referred by the courts of judicature, or other authorities making the investigation, to the Governor General in Council for determination; unless the powers and competence of the officer in question shall have been previously determined by Government.

Certain questions regarding *lakheraj* tenures resumed previously to the acquisition of the country by the British Government, to be decided by the Governor General in Council.

Further questions to be referred to the Governor General in Council.

The present regulation not to be applicable to lands not exceeding 10 *beeghas*, the produce of which is appropriated to religious or charitable uses.

Decisions passed before the promulgation of the present regulation, in opposition to the principles declared, shall be open to revision in the court wherein the case was decided, and to appeals.

Proviso.

Modification of Section 26, Regulation II. 1819.

IV. Nothing in this regulation shall be construed to affect the provisions contained in Regulation XIX. 1793, Regulation XLI. 1795, Regulation XXXI. 1803, and Regulation XII. 1805, relative to lands, not exceeding 10 *beeghas*, of which the produce is *bonâ fide* appropriated to religious or charitable uses.

V. Decisions passed by any court of judicature before the promulgation of this regulation, in opposition to the principles therein declared, without due regard to the restricted powers of the revenue authorities as defined in this regulation, shall be open to revision in the court wherein the case may have been decided; as well as to a regular as special appeal, (according as the case may have been already decided on appeal or otherwise,) notwithstanding the elapse of time since the decision was passed: provided that the petition for a review or appeal, be presented to the proper court in the manner prescribed by the regulations, within one year after the promulgation of this regulation; or if presented at a later period, that good and sufficient reason be assigned for delay. Provided further, that if the decision shall have been passed by a provincial court, or by the court of Sudder Dewanny Adawlut, it shall be competent to a majority of the judges of such court to admit the petition for a review, and to try and decide the case anew under the provisions of this regulation, whether they may have joined in passing the former decisions or not; the restriction in Section 3, Regulation II. 1815, being hereby, as a special exception, declared inapplicable to such cases.

VI. In modification of the rules contained in Section 26, Regulation II. 1819, it is hereby enacted, that in cases wherein a *zillah* court shall annul or alter a judgment passed by the Board of Revenue, or other authority exercising the powers of that Board, under the provisions of the above-mentioned regulation, a regular appeal shall lie to the provincial court. In like manner, in cases tried in the first instance by a provincial court, if the decision of that court shall reverse or alter the judgment of the Board of Revenue or other authority aforesaid, a regular appeal shall lie to the court of Sudder Dewanny Adawlut, although the amount in contest shall be less than five thousand pounds sterling. The provisions of the above-mentioned section shall however still be applicable to cases in which the *zillah* or provincial courts may maintain the decisions of the revenue Boards, or other authorities exercising the powers of these Boards.

A. D. 1828. REGULATION III.

A REGULATION *for the Appointment of special Commissioners for the more speedy Hearing and Determination of Appeals from the Decisions of the Revenue Authorities in Regard to Lands or Rents occupied or collected by Individuals, without Payment of the Revenue demandable by Government, under the general Law of the Country, and for otherwise more effectually securing the Realization of the public Dues.*—PASSED *by the Governor General in Council, on the 12th June 1828; corresponding with the 31st Jeyte 1235 Bengal era; the 14th Assaar 1235 Fussily; the 1st Assaar 1235 Willaity; the 15th Assaar 1885 Sumbut; and the 28th Zekaad 1243 Higeree.*

Preamble.

BY the provisions of Regulation II. 1819, and other regulations subsequently enacted, collectors and other local revenue officers, throughout the provinces subordinate to this presidency, have been empowered, with the sanction of the Boards of Revenue, to institute inquiries with a view to the resumption and assessment of all lands held free of rent, or at an inadequate rent under invalid tenures; commissioners have likewise from time to time been appointed, under the orders of Government, to maintain and enforce the public rights in different districts, in which extensive tracts of country unowned and unoccupied at the time of the perpetual settlement, are now liable to assessment, or, being still waste, belong to the state. It was, at the same time, provided in the regulations above adverted to, that in all cases in which the revenue officers might declare the lands of any individual liable to assessment, the party might contest the decision by suit in one of the ordinary courts of justice, such provision having been made with the intention that the decisions of the collectors and the Boards should be held and considered to be judicial awards, and that the suits preferred to the ordinary courts, being of the nature of appeals, should be speedily disposed of. It has, however, appeared that partly from the number of the cases in question, partly from the practice of the courts in treating the appeals made to them as original suits, and partly from other causes, little or no progress has been made towards the settlement of the matter, and heavy arrears of such cases have accumulated in several of the courts and Boards of Revenue; that the existing laws have not been adequate to secure for the revenue authorities the information required; and that consequently, while, on the one hand, a large amount of revenue continues to be usurped without any just pretence, and the improvement of the country is hindered by frivolous and litigious claims, on the other hand, the owners of valid tenures are disquieted and disturbed. To remedy the aforesaid evils, it appears to be expedient to appoint special commissioners competent to determine finally all cases of the nature above described, within such local limits as may from time to time be deemed necessary; to declare the intent and meaning of the existing regulations in regard to suits preferred to the ordinary courts relative to such cases; and to provide that all successions to the possession of land or rent, free of assessment whether by sale, gift, or inheritance, shall be regularly reported to the revenue authorities. It has likewise appeared to be expedient and proper to make provision for the immediate settlement of the limits of the Soonderbuns, as ascertained by careful local inquiry, conducted by the commissioner specially appointed to the duty, and the surveyors under his authority; and also to declare the intent and meaning of certain parts of the existing regulations in regard

to which doubts have arisen.—*The following rules haveaccordingly been enacted, to be in* force, from the date of their promulgation, throughout the provinces immediately subordinate to the presidency of Fort William.

Special commissioners to be appointed for the purpose of determining cases investigated by collectors under the rules of Regulation II. 1819, and other similar provisions.

II. *First.* It shall be competent to the Governor General in Council, to appoint one or more special commissioners, as may be judged expedient, for the final determination of all cases which have been or may be investigated by collectors, deputy collectors, or other officers exercising in that behalf the powers of collectors, under the rules of Section 5, and the fifteen subsequent sections of Regulation II. 1819, and of Section 5, Regulation IX. 1825, subject to the provisions hereinafter enacted And the commissioner or commissioners so appointed, shall similarly determine all suits which may be brought to contest the demand of the revenue officers, on the plea that the annual rent or assessment upon which the demand is founded exceeds what the party is bound to pay, and which may consequently involve the question of a permanent increase or reduction of the public revenue.

The jurisdiction of the special commissioner or commissioners, to extend to such districts or portions of districts as Government may direct.

Government competent to fix and appoint the functions of such commissioner, and to assign such local jurisdiction as may appear proper.

Second. The jurisdiction of the special commissioner or commissioners appointed as above shall extend to such districts, or portions of districts, and for such periods, as the Governor General in Council may direct: and it shall be competent to the Governor General in Council to fix and appoint the functions to be discharged by each commissioner, and to assign to him such local jurisdiction as may from time to time appear proper.

Notice of jurisdiction vested in commissioner, or commissioners, how to be published.

Third. Whenever any commissioner or commissioners shall be vested by the orders of the Governor General in Council with jurisdiction in any district or other division, notice thereof shall be published by proclamation at the *cutcherrees* of the judge and collector of such district, and shall likewise be communicated, through the court of Sudder Dewanny Adawlut, to the provincial and *zillah* courts concerned.

Courts to suspend the exercise of the powers vested in them, in regard to all cases, cognizable by the commissioners, on being apprised of their appointment.

And to stay all proceedings in such cases, until apprised that the local jurisdiction of the commissioner has ceased.

Records of such cases depending before the said courts, to be forthwith transmitted to the commissioner.

Fourth. Whenever any of the said courts shall be apprized, in the manner above specified, oft he appointment of a commissioner or commissioners to exercise the powers specified in this regulation within any *zillah* or other local division, the powers heretofore vested in, and exercised by the said courts in regard to all cases belonging to such local division of the nature declared cognizable by the special commissioners shall be suspended; and the said courts shall immediately stay all proceedings in such cases, until they shall be apprized that the local jurisdiction of the commissioner or commissioners has ceased; and further the said courts shall forthwith transmit to the commissioner the records of all cases of the above nature, which may be depending before them: provided also, that *no* appeal shall lie to any of the established courts of judicature from any decision which has been, or shall be passed, by the Board of Revenue, or a collector, in regard to the revenue of any lands lying within such local division, previously to, or pending the appointment of a special commissioner.

No appeal to lie to courts from decisions of the Board of Revenue or collectors, in regard to the revenue of lands within such local division, passed before or pending the appointment of a commissioner.

In cases decided by the Board of Revenue, in which parties would have been entitled to appeal to the courts, an appeal to lie to the commissioner, and the cases to be heard and determined in the same manner as appeals from collectors under this regulation.

Fifth. In all cases, which have been decided by the Boards of Revenue, before the jurisdiction of a commisioner may have been declared to extend to the district in which they have arisen, and in which the parties would, but for the extension of such jurisdiction, have been entitled to appeal to the ordinary courts of justice, under the rules contained in Sections 22 and 24, of Regulation II. 1819, and Section 5, Regulation IX. 1825, an appeal shall lie to such special commissioner, and the cases shall be heard and determined in the same manner as appeals preferred to that authority from the decisions of collectors under this regulation.

Notice of appointment of commissioner to be communicated to Boards of Revenue or other Board exercising revenue control over the revenue officers of such district or division, and on the receipt of such communication, the powers vested in the said Boards, under the provisions of Regulation II. 1819. and Regulation IX. 1825, (with exception to the powers specified in Section 4. of the last mentioned regulation,) shall be suspended within the said district or division; and the said Board shall immediately stay all proceedings in cases thereunto belonging, which may be depending before them, under the provisions of the above regulations, as well as in all other cases relating to the said district or division of the nature described in the preamble to this regulation, and shall forthwith transmit to the commisioner the records of all such cases.

Sixth. Notice of the appointment of the commissioner to exercise the powers specified in this regulation in any district or other local division, shall likewise be communicated to the Boards of Revenue, or other Board exercising control over the revenue officers of such district or division, and on the receipt of such communication, the powers vested in the said Boards, under the provisions of Regulation II. 1819, and Section 5, Regulation IX. 1825, (with exception to the powers specified in Section 4. of the last mentioned regulation,) shall be suspended within the said district or division; and the said Board shall immediately stay all proceedings in cases thereunto belonging, which may be depending before them, under the provisions of the above regulations, as well as in all other cases relating to the said district or division of the nature described in the preamble to this regulation, and shall forthwith transmit to the commisioner the records of all such cases.

Seventh. When any suit many be transferred by a court of justice or a Board of Revenue to a special commissioner under the provisions of this regulation, the commissioner or commissioners by whom such suit shall be decided shall determine the amount of remuneration to be assigned to the *vakeels* who may have been employed by the parties, in conducting such suit before the court or Board from which it may be transferred, and generally how any costs previously incurred shall be borne: all sums which may have been deposited in such court or Board on account of *vakeels'* fees, shall be kept in deposit until the case is decided, when the amount awarded to the *vakeels* by the commissioners shall be paid to them.

III. Whenever the jurisdiction of a commissioner shall be declared by the orders of Government to extend to any district or other local division, it shall be competent to the Governor General in Council to invest such commissioners with any, or all of the powers vested, by the regulations in force, in the Boards of Revenue.

IV. *First.* When the jurisdiction of a commissioner shall have been established in any particular district, it shall be competent to the collector or other local revenue officer of such district to institute the inquiries specified in Regulation II. 1819, and Regulation IX. 1825, in regard to any lands which he may have reason to believe are held free of assessment, or at an inadequate *jumma* under an invalid tenure, or which being unoccupied he may consider to be public property, without previously applying for the sanction of the Board of Revenue. In all other respects, however, he is to proceed to the investigation of the case in the manner provided for in Regulation II. 1819, and Regulation IX. 1825, accordingly as the one or other may apply to the case, and having closed his proceedings, he shall record in a Persian *roobakaree* his judgment as to the liability of the lands to assessment or otherwise, in the manner directed in Section 20. of the first mentioned regulation, and such decision shall have the force and effect of a decree, and a copy thereof on plain paper shall, as soon as possible, be delivered to the party concerned.

Second. If the decision of the collector shall declare the lands liable to assessment, or shall adjudge them to be the property of Government, it shall not be necessary for him to transmit his proceedings to the Board of Revenue, or to the special commissioner; but the party against whom such decision is passed shall be at liberty to appeal from the same to the special commission within two months from the date on which a copy of the decision may have been tendered to him by the collector: but it shall be competent to the commissioner to admit an appeal, after the expiration of the above period, on sufficient cause being shown why it was not sooner preferred. Provided also, that petitions of appeal may, at the option of the party, be either presented to the special commissioner or delivered to the collector, for transmission to that authority.

Third. It shall and may be lawful for the collector, whether an appeal be filed or not, immediately to carry into effect his decision by attaching and assessing the land; reporting his proceedings for the information and orders of the Board, or of the commissioner if vested with the powers of the Board: provided however, that in cases appealed to the commissioner, it shall be competent to that authority to stay execution of the collector's decree, and to cause the attachment of the land to be suspended or withdrawn, on due security being tendered by the appellant for the payment, from the date of the collector's decision, of the revenue which may ultimately be assessed on the land.

Fourth. If the collector shall decide against the assessment, he shall report his proceedings, together with the whole record of the case, to the Board of Revenue, who are to take the case into their consideration, and if they shall be of opinion, that the grounds assigned by the collector for considering the lands exempt from assessment are insufficient or invalid, it shall be competent to the Board, within one year from the date on which they may receive the collector's proceedings, to transfer the case for revision and final orders to the special commissioner, who shall issue a notice requiring the attendance of the party in whose favour the collector may have decided; and should such party neglect, after having been duly summoned, to attend and defend the appeal before the commissioner, it shall be competent to the commissioner to hear and decide the case *ex parte*.

Fifth. In all cases decided by a special commissioner or commissioners, whether on appeal by individuals from decision of the collector, or on reference from the Board of Revenue

trol, who will, on the receipt of such communication suspend the exercise of the powers vested in them under Regulation II. 1819, and IX. 1825, with the exception stated.

And stay all proceedings in such cases, depending before them, and transmit the records to the commissioners.

In suits transferred from the courts or Boards under this regulation, all sums which may have been deposited as *vakeels'* fees, shall remain in deposit till the case is decided, and the *vakeels'* fees, as well as all other costs, shall then be paid as may be awarded in the decree of the commissioner.

Whenever the jurisdiction of a commissioner shall be declared to extend to any district or other local division, it shall be competent to Government to invest such commissioner with any or all the powers of the Board of Revenue.

On the establishment of a commissioner's jurisdiction in any particular district, the collector or other local officer may institute inquiries under Regulation II. 1819, and Regulation IX. 1825, without previous sanction of the Board.

In all other cases he is to proceed in the manner provided for in those regulations.

And having closed his proceedings, he will record his judgment as to the liability of the lands to assessment or otherwise. Such decision to have the force and effect of a decree, and copy to be furnished to the party.

If the judgment is for assessment the party against whom the decision is passed, to be at liberty to appeal to the special commissioner, within two months.

Appeals may be admitted by commissioner, after that period, on sufficient cause shown.

Petitions of appeal may be presented to the commissioner, or delivered to the collector for transmission to him.

Collector empowered to carry his decision into effect, whether an appeal

be filed or not, reporting his proceedings to the Board or the commissioner.

Commissioner may stay execution of collector's decree in cases appealed, and suspend attachment of land, on security for payment being tendered.

If collector decide against assessment, he will report his proceedings to the Board.

Who will, if dissatisfied with the grounds of the collector's decision, transfer the case for revision and final order to the special commissioner within one year.

Commissioner to issue notice to the party requiring his attendance; if party neglect to attend, commissioner empowered to hear and decide *ex parte*.

Decision of special commissioner or commissioners, under this regulation, shall be final.

Excepting cases which, if decided by the Sudder Dewanny Adawlut, would be appealable to his Majesty the King in Council.

In such cases an appeal will lie from the decision of the special commissioner or commissioners, under the rules applicable to appeals from decisions of the Sudder Dewanny Adawlut.

The decision of the special commissioner to be executed and enforced, notwithstanding the institution of the appeal.

Commissioners to be competent to review any judgment passed by them on sufficient cause shown for a new trial.

The judgment of a single commissioner concurring with the decision of the Board or other inferior tribunal, to be final, subject to the provisions of the foregoing clause.

Course to be followed in the event of disagreement of opinion.

The provisions of this regulation not to extend to cases of the nature specified in the several clauses of Section 30, Regulation II. 1819, except when such cases involve the rights of Government to subject lands to assessment.

In cases of the above description, in which Revenue under the above rule, or in cases transferred from any of the ordinary courts of judicature, the decision passed by the special commissioner or commissioners, who by warrant from the Governor General in Council and the provisions of this regulation, may be competent to pass the same, shall be final, save and except in cases which, if decided by the court of Sudder Dewanny Adawlut, would be appealable to his Majesty the King in Council; in such cases, a similar appeal will lie from the decision of the special commissioner or commissioners under the same rules and restrictions as are applicable to appeals from the decisions of the aforesaid court: provided however, that such decisions shall be immediately executed and enforced, notwithstanding the institution of the appeal: provided also, that it shall be competent to any commissioner to review any judgment passed by him on sufficient cause being shown why a new trial should be granted—the rules in the existing regulations regarding a review of judgment being held applicable to such cases.

Sixth. In all cases, in which the judgment of a single special commissioner shall coincide with the decision passed by a collector or by a Board of Revenue, or by a court of justice, in cases which have been decided by an inferior court, and after having been appealed to a higher, have been transferred under the provisions of this regulation to a special commissioner, the decision of such single commissioner shall be final, subject to the provisions of the foregoing clause. But, if on hearing any case of the nature above specified, a single commissioner shall be of opinion, that the last award made in such case ought to be reversed or altered, he shall record his opinion to that effect, and the case shall then be laid before another special commissioner appointed under this regulation, and should he disagree in opinion as to the decision of the case, to a third commissioner, so that the final award may be made by the concurrent voices of at least two special commissioners. Provided that it shall be competent to the Governor General in Council, on the occasion of appointing a special commissioner to exercise the powers specified in this regulation within certain local limits, to determine at the same time to what other special commissioner a reference shall be made by him in cases of difference of opinion.

V. It is hereby declared and enacted, that the provisions of this regulation are not intended, and shall not be construed, to extend to cases of the nature specified in the several clauses of Section 30, Regulation II. 1819, save and except when such cases may involve the rights of Government to subject to assessment all or any portion of the lands, in respect to which the action may be brought. In cases of the above description, in which the Government may be a party, whether instituted in the first instance before the collector, or referred to him by the court, the collector shall proceed to investigate and decide in the mode prescribed in the preceding section of this regulation: the several clauses of which shall be held to apply to such suits, and all other cases falling within the provision of Section 30, Regulation II. 1819, in which the Government is not itself a party, shall be heard and determined under the rules therein enacted, and the subsequent modifications of them declared in Section 5, Regulation IX. 1825.

VI. *First.* The special commissioners appointed under this regulation, shall be guided by such rules as may be prescribed by the Governor General in Council, in regard to the forms of proceeding, the nature and number of the pleadings, the mode in which they are to be conducted, the paper (stampt or unstampt) to be used, the fees to be levied, and generally, the rules of practice to be followed.

Second. The special commissioners shall likewise be competent to issue such instructions to the collectors of the districts over which their jurisdiction extends, in regard to their proceedings relative to cases investigated under the rules of Regulation II. 1819, and Regulation IX. 1825, as may appear requisite for their guidance and conducive to the ends of justice, and, when it may appear necessary or proper, to refer cases back to those officers for further trial.

Third. All processes issued by a commissioner shall be enforced in the same manner, and under the same penalties for disobedience or resistance, as processes of the ordinary courts of justice, and all the powers possessed by those courts, in regard to contempts, the summoning and examination of witnesses, and the administration of oaths, shall be vested in the commissioners, whose decision shall, in such matters, be final.

Fourth. The special commissioners shall be competent to require the *zillah* courts to carry into execution, when necessary, the decisions which they may pass, and the *zillah* courts shall give effect to such decisions in the same manner as they are required to execute the decrees passed by the provincial courts, or the court of Sudder Dewanny Adawlut.

Fifth. The several rules and provisions contained in the existing regulations relative to native officers belonging to the *zillah* courts, will be applicable to the native officers employed by the special commissioners, except in cases in which the commissioners may, with the sanction of Government, otherwise determine.

Sixth. Any person knowingly giving a false deposition, whether on oath or *hulluf-nameh*, relative to any suit or matter depending before a commissioner, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall, on conviction, be liable to the penalties prescribed by the regulations for that offence. And any person causing or procuring another person to commit the offence of perjury as above described, shall be guilty of subornation of perjury, and shall be punishable, on conviction, under the provisions of the said regulations.

Seventh. The commissioners shall be competent to commit persons guilty of the above offences for trial before the court of circuit, and any magistrate receiving from a commissioner a *roobakaree*, directing the commitment of such offenders, shall give effect to the same in like manner as if the commitment were made by himself.

VII. *First.* It shall be the duty of the courts and of the revenue officers to afford the commissioners every aid and information that they may require—to serve all processes issued and required to be served by the commissioners in like manner as if they were issued by themselves, to prepare and transmit to the commissioners such lists of cases decided, or pending before them as they may see occasion to call for, and to furnish all papers and documents which the commissioners may desire to examine.

Second. It shall likewise be competent to the commissioners to require the *zillah* courts or the collectors to examine witnesses, either on written interrogatories or otherwise, in regard to any points, the investigation of which it may appear necessary to conduct in that manner, and generally to inquire and report on particular points upon which further information is desirable, in the same manner as the said court are required to report in pursuance of precepts issued to them by the provincial courts and court of Sudder Dewanny Adawlut.

VIII. The special commissioners shall furnish to Government periodically such statements and reports, as the Governor General in Council may prescribe.

IX. The special commissioners appointed under this regulation shall, before entering on the performance of their functions, take and subscribe a solemn oath, according to the following form; and such oath is to be administered by such person or persons as the Governor General in Council may direct.

FORM OF OATH.

I, A. B appointed a special commissioner, under the rules of Regulation III. A. D. 1828, solemnly swear, that I will investigate and determine in equity and good conscience, to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward, all matters which by the said regulation or any other regulation in force, I may be required to investigate and determine: that I will not receive directly or indirectly any present or *nuzzur* in money or effects of any kind from any party whomsoever on account of any matter to be received, investigated, or determined by me, or which may be depending or have been investigated or determined under the abovementioned regulation: that I will not knowingly permit any person or persons under my authority to receive directly or indirectly any present or *nuzzur* in money or effects of any kind from any party or person whatsoever, on account of any matter as aforesaid,—and that I will not derive directly or indirectly any emoluments or advantages from my office, excepting such as the orders of Government do, or may authorise me to receive. SO HELP ME GOD.

X. *First.* The following rules are hereby enacted in modification and extension of the provisions contained in Sections 22, 23, 24, Regulation II. 1819.

Second.

vernment may be a party, the collector to investigate and decide in the mode prescribed in the preceding Section.

All other cases falling within the provisions of Section 30, Regulation II. 1819, in which Government is not itself a party, shall be heard and determined under the rules herein enacted, as modified by Section 5. Regulation IX. 1825.

Forms and nature of the proceedings of the commissioners how to be regulated.

Commission-rules may prescribe rules for the guidance of the collectors, and may refer cases back to those officers for further trial.

Processes of the commissioner how to be enforced.

Decisions of the commissioners how to be executed.

Native officers attached to the commissioners subject to what rules.

Persons guilty of perjury or subornation of perjury, to be punishable under the regulations.

And may be committed by order of the commissioners for trial before the court of circuit.

Courts and collectors to give their aid to the commissioners.

Commissioners may require *zillah* courts, and collectors to examine witnesses and furnish information.

Commissioners to furnish periodical statements and reports.

Oath to be taken by special commissioners.

Sections 22, 23, and 24, Regulation II. 1819, modified and extended.

Decisions passed by the Boards of Revenue under Section 21, Regulation II. 1819, to be carried into execution, notwithstanding the parties may have sued to contest the decision.

Second. All decisions which have been, or may be passed by the Boards of Revenue, under the rules in Section 21, Regulation II 1819, declaring the liability to assessment of lands, whether the same be situated in districts, to which the jurisdiction of a special commissioner has been extended, or in any other district, shall be carried into immediate execution by the collectors or other local revenue officers of such district, notwithstanding that the parties against whom such decisions may have been or may be passed, shall have sued, or shall sue to contest the Board's decision in one of the established courts of justice, or to the commissioner appointed under this regulation; and such parties shall not be permitted to retain possession of the lands, unless they enter into an engagement to pay the assessment which may be fixed upon them; such assessment to be collected under the general rules for the realization of the Government revenue from farmers thereof: and if any person against whom the Board may have decided, shall decline to pay the assessment fixed on the lands, he shall be forthwith dispossessed, and such arrangements shall be made for the collection of the Government revenue as the collector, under the orders of the Board, may see fit to adopt; but in the event of a final decision being passed, exempting the tenure of any such person from assessment, the net collections made on account of Government shall be refunded with interest thereon at the rate of 6 per cent. per annum.

Persons declining to pay assessment to be dispossessed, and the collector to make arrangements for the collection of the revenue.

But if the land be finally exempted, the collections made to be refunded with interest.

Suits instituted in courts to contest the Board's decision in cases in which the jurisdiction of the courts is not barred by this regulation, how to be heard and determined.

Third. All suits, which may be instituted in the established courts of justice, under the provisions of Sections 22, and 24, Regulation II. 1819, and Section 5, Regulation IX. 1825, to contest decisions of the Boards of Revenue, shall, when the jurisdiction of the above courts is not barred by the operation of this regulation, be heard and determined in the same manner as regular appeals, and no further pleadings shall be required or received in such cases than the objections of the appellant to the decision of the Board, and the reply to those objections on the part of the revenue authorities. The said courts shall likewise, on the admission of an appeal, invariably call for the original record of the Board's proceedings in each case, and shall then require the parties to file their pleadings as above provided; but it shall not be competent to the courts to take further evidence, oral or documentary, unless it shall appear that such evidence was tendered by the party adducing it, to the collector or the Board, and was then rejected on insufficient grounds, or that such evidence is essential to the ascertainment of some fact material to the issue, which may not have been fully inquired into in the course of the previous investigation.

Proviso that appeals are still to be admitted from inferior to superior courts, as heretofore.

Fourth. Provided however, and it is hereby enacted, that nothing contained in the preceding clause shall be construed to bar the admission of a further appeal on the part of the revenue authorities to the provincial courts, or the court of Sudder Dewanny Adawlut, from decisions passed in the first instance in the *zillah* or the provincial courts respectively, in cases of the nature described, and specially provided for in Section 6, Regulation XIV. 1825, nor the admission by those tribunals of the special appeal on the application of the party opposed to Government, under the rules in Section 26, Regulation II. 1819.

Appeals from decisions of Boards of Revenue to be kept on a distinct file or register, and civil courts to appropriate one day in the week to their trial and decision.

Fifth. Appeals filed in the established courts of civil judicature to contest decisions of the Boards of Revenue, shall be kept on a file or register distinct from that on which other suits before those courts are entered, and the civil courts are hereby directed and required to appropriate the first day in each week to the trial and decision of such appeals, and to prevent any unnecessary delay on the part of the appellant in prosecuting their appeals by a strict enforcement of the rules prescribed in Section 12, Regulation XXVI. 1814.

Further provisions for securing to the revenue authorities information of the transfers of land held free of assessment.

XI. *First.* There being reason to believe, that the rules in Section 3, Regulation LVIII. 1795, and Section 40, Regulation XXXI. 1803, whereby the judges of the *zillah* and city courts were directed to furnish the collectors of the districts in which the land may be situated, and the Board of Revenue, with copies of every decree passed by them in suits between individuals, or sent to them by the superior courts to enforce, by which the right in, or possession of any lands held exempt from the payment of public revenue, may be affected, has not generally been observed by those courts; Section 9, Regulation VIII. 1811, and Section 9. Regulation V. 1813, having also been rescinded by Regulation II. 1819, without due provision being made for all successions to the possession of *lakheraj* tenures being duly reported to the revenue officers, the following rules are now enacted for that purpose.

Persons succeeding to the possession of lands

Second. Persons succeeding to the possession of any lands held free of assessment, or held on a *mocurruree jumma*, on the decease of a former occupant, or by gift, purchase, or

other assignment or transfer of proprietary right, are hereby required immediately to notify the same to the collector or other officer exercising the powers of collector within the district in which the land may be situated, and any omission to notify such succession or transfer for a period of six months or more, shall subject such land to immediate attachment by the revenue officers.—Nor shall land so attached be restored to the party who may claim to hold it, though the validity of the tenure be subsequently established to the satisfaction of the revenue authorities, until such party shall have paid to Government a fine equal to one year's rent; and if the revenue derivable from the land be not awarded to be the right of the individual, the party shall further be required to refund the amount of the collections made by him, with interest thereon at the rate of 12 per cent. per annum; provided also, that the said rent and collections shall be estimated according to the assessment demandable from the *ryots* at the time of attachment.

held free of assessment or on *mocurruree jumma*, to report the same to the collector.

Omission to report within six months to subject the land to attachment.

Land so attached not to be restored until the payment of a fine equal to one years' *jumma*.

And if the land be awarded not to be the right of the individual, collections to be refunded with interest.

Third. Where the lands of any individual may be attached under the above rule, any claim which he may prefer to recover possession thereof, and to hold the same free of assessment, or on a *mocurruree jumma*, shall be investigated and determined by the collector, under the provisions of Regulation II. 1819, as modified by the present regulation, and by those which have been intermediately enacted.

Claims to recover possession of lands attached as above, how to be investigated and determined.

XII. All tenures, which may not have been duly registered in the manner prescribed by the regulations, or of which the specification contained in the register shall not purport the same to be held under a hereditary title, or as a perpetual endowment, shall be and be held to have been liable to resumption, unless the same may have been declared hereditary by a final decree of a competent court of judicature, on the demise of the persons who were in possession at the dates respectively of Regulations XIX. and XXXVII. 1793, Regulations XLI. and XLII. 1795, Regulations XXXI. and XXXVI. 1803, Regulations VIII. and XII. 1805, according as the lands may be within the districts to which those regulations are severally applicable, or in other parts of the country at the date at which the same came into the possession of the British Government: and collectors and other officers exercising the powers of collector, shall accordingly proceed to assess, and, if necessary, attach all lands liable to resumption as above, in the same manner and with the same powers as they are authorized and required to proceed in the case of a lapsed farm, any thing in the existing regulations to the contrary notwithstanding. Provided further, that the nature and extent of the interests vested in the holders of lands and rents exempted from assessment shall, when the title deeds are forthcoming, and their authenticity recognized, be construed and defined with reference to the whole of the matter contained in such deeds, and not merely by the designation of the tenure. *Jaghires* consequently shall not be held to be life tenures in cases in which the recital of the grant shall be such as clearly to convey a hereditary interest: nor shall any tenures, howsoever designated, be considered to be hereditary and perpetual, if the grants under which they are held shall not convey, in express terms, a hereditary or perpetual interest.

Tenures not registered under the regulations, or of which the specification in the register shall not purport them to be held under hereditary title, or as permanent endowment, shall be held liable to resumption; unless declared hereditary by a final decree of a competent authority.

Such lands to be attached and assessed in the same manner as lapsed farms.

Nature and extent of the interests vested in the holders of *lakheraj* lands, how to be determined.

XIII. *First.* The uninhabited tract known by the name of the Sunderbuns has ever been, and is hereby declared still to be, the property of the state: the same not having been alienated or assigned to *zemindars*, or included in any way in the arrangements of the perpetual settlement. It shall therefore be competent to the Governor General in Council to make, as heretofore, grants, assignments, and leases of any part of the said Sunderbuns, and to make such measures for the clearance and cultivation of the tract as he may deem proper and expedient. All parties to whom such grants, leases, or assignments shall have been made, or to whom they may hereafter be made, shall be entitled to hold or to take possession of any tract of Sunderbun *jungle* so granted or assigned, without question or opposition, and all public officers shall aid and assist the same. Provided also, that if any *zemindar*, *talookdar*, or other *sudder malguzar*, or any other person owning and occupying or collecting the rent or revenue of cultivated land in the neighbourhood of the land so granted, leased, or assigned, shall sue in any court of *adawlut*, or before a special commissioner, under this regulation, to contest the validity of the title or the right of possession of any such lessee or grantee, under such grant, lease, or assignment, then if the land aforesaid shall be proved to be, or to have been, or be not denied to be or to have been,

The Sunderbuns declared the property of the state, and Government competent to make grants and to take measures for its clearance.

Parties obtaining grants to take possession, and public officers to aid and assist them.

Persons deeming themselves aggrieved by such grants, how to proceed.

Parties claiming right to derive revenue from persons engaged in gathering or collecting jungle produce in the Sunderbuns, entitled to compensation from Government on proving right.

been, when so granted, leased, or assigned within the limit of the unoccupied *jungle* so named and described, the suit shall be dismissed with costs. Provided however, that if any *zemindar*, *talookdar*, or other person aforesaid, shall claim to possess a valuable interest in any part of the Sunderbuns, by virtue of authority to collect money or other valuable thing from the persons engaged in gathering wax, or cutting wood, or obtaining other *jungle* products of the tract, or by virtue of any other similar privilege or advantage which may have been recognized as part of the assets, on which the assessed revenue of his *zemindaree*, *talookdaree*, or other tenure was adjusted at the time of farming the perpetual settlement of the district, and the collection of which was not subsequently stopped and due compensation made, under the rules relative to the collection of *sayer* revenue, or other similar arrangement, such *zemindar*, *talookdar*, or proprietor, shall be entitled to receive from Government compensation for any diminution in the value of such interest and advantage consequent on the arrangements adopted for the cultivation of the Sunderbuns; the same being duly established, after an investigation conducted under the rules of Regulation II. 1819, as modified by this regulation.

Boundaries of the Sunderbuns how to be determined.

Parties injured by such demarcation how to proceed, and commissioners and courts how to determine such cases.

Second. The boundary of the Sunderbun *jungle* shall be laid down by accurate survey as determined on the spot by the commissioner of the Sunderbuns, and any *zemindar*, *talookdar*, or party interested, shall be entitled, on application made through the commissioner, and on payment of the charge of preparing the same, to receive a copy of the survey map, or of any part of the same, with the boundary marked there as so determined, together with a copy of the commissioner's proceedings on the subject. Any party deeming his right injured by the demarcation so laid down, shall be at liberty, at any time within three months from the date of the commissioner's proceeding fixing the same, (which proceeding shall always be held and published on the spot,) to contest the same by petition to a special commissioner under this regulation, having local jurisdiction for the time being, (or if no such jurisdiction exist, to the ordinary courts of justice, by which the case is cognizable,) praying further investigation; provided that no plea of objection against the line of demarcation laid down shall be heard or admitted, excepting only such as shall declare and offer proof that at the time of survey a specific quantity of land, or land with defined limits was in the occupation of the petitioner cleared and under cultivation, which, by the line of demarcation adopted, is placed within the Sunderbun tract belonging to Government. Every such application so made shall be regarded as a claim to hold the tract claimed free of the public assessment, and shall be investigated and decided under the rules of Regulation II. 1819, as modified by this regulation.

RULES OF PRACTICE *for regulating the Proceedings of the Special Commissioners appointed under Regulation III.* 1828.—PASSED *by the Right Honorable the Governor General in Council, on the 21st August,* 1828.

SERISHTEH.

Cases transferred to commissioners, and received in appeal by them, to be numbered and filed in three separate registers, according to a given form.

Section I. The several cases which may be received for trial by each commissioner, whether transferred by the courts of justice, or Boards of Revenue, or received on appeal by parties, shall be regularly numbered and entered on separate file-books, according to the following classification, viz.

One file for cases of *lakheraj* lands or tenures claimed to be held free of all rent.

One file for cases of claims to hold land at *moorrereee*, or fixed *jumma*, or to resist the assessment of land on the plea that it is included in settled estates, such as *halabad*, *noabad*, *towfeer*, and *putteedahadee* lands.

One file for new *churs* and *jungle* lands claimed as the absolute property, and at the disposal of Government.

Each file to be kept according to the form A annexed.

Each commissioner to entertain a *mohafez dufter*, to be held responsible for safe custody of records.

II. Each commissioner is to entertain a *mohafez dufter*, who is to have special charge of the record of cases to be heard and determined, for the safe custody of which that officer shall be held responsible; and all officers, who may be employed by the commissioners in the execution of the duty confided to them, shall be considered as exclusively under their control.

ADMISSION OF APPEALS.

In suits transferred from courts of justice, notice to parties how to be issued.

III. Whenever the record of any cause may be transferred by a court of justice to a special commissioner, under the rule contained in the fourth clause of Section 2, Regulation III. 1828, the commissioner shall, in a Persian *roobakaree*, acknowledge the receipt of the record, and request the court to intimate the transfer to all parties connected with the suit, who may have appeared before it. The commissioner shall further issue a notice according to the form in use in the courts of justice, to be served through the *sillah* or city court within the jurisdiction of which the lands may be situated, requiring their attendance for the purpose of prosecuting or defending the suit as the case may be; all notices of the above description, which it may be necessary to issue to any officer on the part of Government, shall be served as hereinafter directed.

In cases transferred from the Revenue Boards similar notices to issue to the parties.

IV. In all cases which may be transferred to a special commissioner by a Board of Revenue, under the provisions of the sixth clause of Section 2, Regulation III. 1828, the Board shall be requested to notify the transfer to the parties or their agents, who may have appeared before them, and notices, similar to those prescribed in the preceding section, shall be issued for the attendance of the parties, to be served through the judge of the *sillah* or city court, within the jurisdiction of which the lands may be situated.

Collectors how to proceed, when petitions of appeal are presented to them.

V. Whenever any person, who may be dissatisfied with a decision passed by a collector, shall under the option given in the second clause of Section 4, Regulation III. 1828, present his petition of appeal to the collector, by whom the decision has been passed, it shall be the duty of that officer, after having had a complete copy of the record of the case made for retention in his own office, to transmit the original record of the suit, accompanied by an accurate list of all the papers contained in it, to the office of the special commissioner of the division; in making a transcript of the record previous to transmission, the collector is to be specially careful that all *summuds* and other documents are accurately and faithfully copied for record in his office: and the original record is, in all practicable cases, to be transmitted within fifteen days from the date on which the petition of appeal may be filed.

Notice of transmission of record to be given to the appellant and other parties concerned.

VI. On the same day on which the original record of any case appealed may be transmitted from the collector's office to that of the special commissioner of the division, the collector shall issue a notice to the appellant, apprising him thereof, and requiring him to attend the commissioner, either in person or by an authorized agent, for the purpose of prosecuting his appeal within six weeks from the date of the receipt of such notice: if any other person, not being an officer of Government, shall have been a party to the case, a similar notice shall be issued to such person, and the due service of such notices shall, on their being returned to the collector, be certified by him to the special commissioner.

VII.

Collector to apprise the agent of Government, appointed at the commissioner's *cutcherree*, of the admission of the appeal.

VII. It shall likewise be the duty of the collector, on the transmission of the record of any case appealed as above specified, to give notice of the admission of such appeal by *perwannah*, addressed to the officer who may be appointed, as hereinafter provided, agent on the part of Government at the *cutcherree* of the special commissioner.

Petitions of appeal preferred to commissioner to be accompanied by authenticated copy of decision appealed from.

Commissioner how to proceed, when appeal is admitted from decisions of collectors.

And how to proceed, if the appeal be from a decision of a Revenue Board.

VIII. Every petition of appeal from the decision of a collector, preferred direct to a special commissioner under the rule quoted in Section 5, or from the decisions of a Board of Revenue, under the provisions of the fifth clause of Section 2, Regulation III. 1828, shall invariably be accompanied by a duly authenticated copy of the decree appealed from; and on the admission of an appeal so preferred, the special commissioner shall, when the decision appealed from may have been passed by a collector, issue a precept to that officer requiring him, within a specified time, to transmit the original record of the cause to the office of the special commissioner, a copy of the record being retained by the collector, as provided in the fifth section of these rules; in cases when the appeal admitted as above shall be from a decision passed by a Board of Revenue, the special commissioner shall, by a Persian *roobakaree*, require such Board to transmit to his office the original record of the case, (a copy being similarly retained,) within a specified period.

Notice of the admission of an appeal to be given to other parties not appellants or officers of Government.

Judges of *zillah* and city courts to certify the due service of such notice.

Notice to respondents and other parties in cases referred to special commissioners under clause 4, Section 4, Regulation III. 1828, how to be served.

IX. When an appeal may be admitted by a special commissioner under the rules contained in the two preceding sections, if there shall appear, on a perusal of the decree appealed from, to be any individuals interested in the issue of the appeal besides the appellants and the officers of Government, it shall be the duty of the special commissioner to direct a notice of the nature described in Section 6. of these rules to be served on such persons, through the *zillah* or city courts, within the jurisdiction of which they may reside, and the due service of such notice shall be certified by the judge of such court, in reply to the precept issued to him by the commissioner.

X. In cases which may be referred to the special commissioners by the Revenue Boards, under the provisions of the fourth clause of Section 4, Regulation III. 1828, the notice therein directed to be issued for the attendance of the respondents, as well as any notice which it may appear proper to the commissioners to issue for the attendance of any other party, not being an officer of Government, shall issue through, and be served by, the judge of the *zillah* or city court of the district in which the respondent or such party may respectively reside.

In certain cases, collectors are to stay execution of decrees in cases appealed.

XI. With reference to the provisions of clause third, Section 4, and clause second, Section 6, Regulation III. 1828, it is provided that, whenever a petition of appeal shall be preferred to a collector against a decision passed by him, declaring land liable to assessment, or when a collector may have reason to believe, that it is the intention of the party against whom such decision may have been passed, to appeal therefrom within the period limited by the above regulation, he shall not proceed to carry the decree into execution, until after the expiration of that period, unless he shall be sooner apprized that an application on the part of the appellant to stay execution of the decree has been rejected by the special commissioner, in which case, or otherwise after the expiration of the period limited for appealing, he may proceed to execute the decree, unless prohibited from so doing by order of the special commissioner.

When petition of appeal is filed before the special commissioner, he may order execution to be stayed.

XII. Provided also, that in cases in which the petition of appeal may be filed before a special commissioner, if, on a perusal of the decree, he shall see reason to direct execution thereof to be suspended, an order to that effect shall be issued to the collector, along with the requisition for the original record of the cause directed to be issued in the eighth section of these rules.

RULES RELATIVE TO PLEADINGS.

Petition of appeal to be written on stampt paper value one rupee.

Petition may contain grounds of appeal, or they may be advanced in a separate pleading, but if

XIII. Every petition of appeal from the decision of a Board of Revenue, or of a collector, which may be preferred to a special commissioner, under the provisions of Regulation III. 1828, shall be written on stampt paper of the value of one rupee.

XIV. It shall be at the option of the appellant to enter the grounds of his appeal in detail in the petition for the admission of his appeal, or to reserve his arguments to be brought forward in a separate pleading; but in the event of his adopting the latter course, such pleading shall be written on stampt paper value one rupee.

XV. In appeals, wherein an officer of Government is the party respondent, the reply to be filed to the grounds of appeal is to be written on stampt paper value one rupee, and a reply, either in express refutation of the pleas of the appellant, or generally resting the defence on the grounds recited in the decree appealed from, shall be required in every case.

the latter, such pleading to be written on stampt paper value one rupee.

Reply of Government to be written on the same paper, and always to be put in.

XVI. In cases referred by the Revenue Boards for revision to the special commissioners, under the rule in clause fourth, Section 4, Regulation III. 1828, the Board referring the case shall be required, in reply to the reference, to direct the superintendent and remembrancer of legal affairs, or some other public officer, to file a pleading containing the grounds on which the Board are dissatisfied with the collector's decree, and such pleading shall be written on stampt paper value one rupee.

In cases referred for revision by Revenue Board, under clause fourth, Section 4, Regulation III. 1828, Boards to direct a public officer to file a pleading containing grounds of dissatisfaction: such pleading to be written on stampt paper value one rupee.

XVII. The reply of the party opposed to Government, in cases of the above description, shall likewise be written on stampt paper value one rupee.

Reply of respondent to be written on similar paper.

XVIII. No miscellaneous petition or pleading of any kind, beyond the *wujoohat* of the appellant, and the reply of the respondent shall be admitted, unless on a verbal representation by the parties or their agents, before the commissioner, such additional pleading or miscellaneous petition shall appear necessary; but when admitted to be so by the commissioner, and allowed to be filed, it shall be written on stampt paper value one rupee.

No further pleadings to be admitted, except under special circumstances.

XIX. The foregoing rule is not, however, to be construed to prevent the admission, by the special commissioners, of petitions presented solely for the purpose of staying execution of decrees, which petitions may be received and acted on at any time, pending the decision of an appeal.

Above rule not to apply to petitions of suspending execution of decrees, pending appeal.

XX. With reference to the provisions for a review of judgment contained in the fifth clause of Section 4, Regulation III. 1828, it is provided that all petitions for review of judgment, which may be presented to the special commissioners, shall, if presented within two calendar months from the date of the decision of which review is prayed, be written on stampt paper value one rupee: but if presented after the expiration of the above period, such petition shall be written on the stampt paper prescribed in Section 13, Regulation I. 1814, calculated at the computed annual produce of the land in dispute.

Petitions for review, on what paper to be written.

RULES REGARDING DEFAULT.

XXI. If any appellant shall not, within the period of six weeks from the date of instituting his appeal, if preferred direct to a commissioner, or, if filed at the collector's office, from the date on which he may receive notice that the record of the case has been transmitted to the commissioner, either attend in person, or appoint an agent as hereinafter provided, and prosecute his appeal, a further notice shall be issued by the commissioner, through the *zillah* or city court, requiring such appellant to attend and prosecute his appeal within fifteen days from the date of the receipt of such notice. If the *peon* charged with the service of the notice cannot serve it upon the appellant personally, he shall proclaim the same at the dwelling of the appellant in the presence of witnesses, and such proclamation shall be deemed equivalent to personal service; and if the appellant shall afterwards omit or refuse to attend the commissioner within the prescribed period, his appeal shall be dismissed with costs.

An appellant defaulting for six weeks, to be called on by a notice to appear.

What to be deemed due service of such notice.

XXII. If an appellant, after having appointed an agent to plead his cause, shall neglect to prosecute the same for a period of six weeks, a requisition by the commissioner to such agent to proceed in the case within fifteen days, shall be held equivalent to a notice to the appellant; and in the event of his not so proceeding, his appeal shall be dismissed.

If appellant defaults after appointing an agent, a requisition to such agent to be held sufficient notice.

XXIII. All notices required to be served on any officer of Government concerned in a suit before the commissioners, shall be delivered to the agent appointed on behalf of Government at each commissioner's *cutcherree*, who shall give a receipt for the same, and transmit a copy thereof to the officer concerned, and return the original to be filed on the record.

All notices of Government officers to be delivered to the Government agent.

RULES RELATING TO EVIDENCE AND FEES.

XXIV. Should the special commissioners, acting on the direction vested in them, in common with the ordinary courts of justice, by the third clause of Section 10, Regulation III. 1828, deem it necessary or proper to receive further evidence, oral or documentary, in any case depending before them, no stamp fees shall be levied from the parties for summoning witnesses or filing exhibits.

If further evidence, oral or documentary, is received, no stamp fees shall be levied from the parties for witnesses or documents.

Further evidence of witnesses required, to be taken by *willah* or city judge on specific points.

Party may produce his witness himself, or undertake the service of subpœna on him.

Same course when a witness is required to be examined before a commissioner.

RULES RELATIVE TO MOKTARS OR AGENTS, AND THEIR REMUNERATION.

Parties may plead themselves, or appoint agents.

Regular power of attorney appointing an agent to be executed, and filed on the record.

The parties not restricted in choice of agents to any particular number of individuals, but they must be of good character.

Parties at liberty to settle with their *moktars* the amount of remuneration to be paid for their services.

If they disagree, the commissioners finally deciding may fix the amount.

But if *moktar* will not await final decision, he shall refund what he may have received.

Moktars to be subject to fine, &c. for neglect and misconduct, as pleaders of the courts of justice are.

An agent to be appointed on behalf of Government at each *cutcherree* where the commissioners sit.

Rules relative to Government pleaders to apply to him as well as the rules for other agents employed by the parties before the commissioners.

RULES RELATIVE TO DECREES AND COSTS OF SUIT.

Where commissioners interfere as to agents' remuneration, the final sum awarded to be entered in the decree as costs.

Provision also to be made for the mode in which all costs are to be borne by parties.

Original decree and three counterparts to be prepared on English paper, and how to be disposed of.

XXV. If, in any case, the special commissioners shall deem the further evidence of witnesses necessary, they shall be summoned and examined by the judge of the *willah* or city within which they may reside, on specific points indicated by the commissioners and recorded on their proceedings. If a party, at whose instance a witness may be summoned, will undertake himself to produce him, or to serve the subpœna on him, he shall be allowed to do so, otherwise the process shall be served by a *peon* of the *willah* or city court, under the ordinary rules in force: the same course shall be followed whenever it may be considered necessary to examine a witness before any of the special commissioners.

XXVI. Every party whose case may be depending under Regulation III. 1828, before a special commissioner, shall be at liberty, if he chooses, to attend and plead his own cause in person, or to appoint a *moktar* or agent, specially for that purpose.

XXVII. Every person who may appoint an agent, as above authorized, shall execute a regular power of attorney in such agent's name, and the execution of such instrument, which may be written on unstampt paper, shall be attested by some European public officer, and it shall be filed on the record of the case.

XXVIII. The parties in cases before the commissioners, are not to be restricted in the appointment of agents to any particular number of individuals, provided that the persons appointed shall appear to the commissioners to be of good character and respectability.

XXIX. The parties shall be at liberty to make such arrangements in regard to remuneration for their services with the *moktars* or agents whom they may appoint, as may be agreed on among themselves; provided, however, that if, on the decision of the case, the parties shall disagree as to the sufficiency or otherwise of the terms agreed on, the amount shall be fixed by the commissioner, or commissioners, by whom the case is decided: provided also that if any *moktar* shall (without waiting for the final adjustment of the matter as above provided for at the time of decision) decline to act further for his principal, he shall, if the latter demand it, be required to refund any sum which he may already have received for undertaking the conduct of the cause.

XXX. Every agent or *moktar* who may be appointed to conduct a cause before the special commissioners, shall be subject to fines and other penalties for neglect, contempt of court, or other misbehaviour, to the same extent, and in the same manner, as the regular pleaders of the courts of justice are subject by the regulations.

XXXI. An agent shall be appointed, (if approved by Government) by the superintendent and remembrancer of legal affairs, to attend on behalf of Government at each *cutcherree*, where suits may be heard and determined by the special commissioners, and such agent shall be remunerated by a fixed salary, or in such other manner as the Governor General may be pleased to determine; the agent so appointed shall moreover be liable to all the rules applicable to Government pleaders, as well as to the rules prescribed for the agents who may be employed by individuals to plead before the commissioners.

XXXII. In giving judgment in each case, if the special commissioners shall see reason to interfere in regard to the compensation to be paid by the parties to the agents employed to plead their causes, the amount of remuneration finally authorized shall be inserted as costs at the foot of the decree; distinct provision shall likewise be made in every decree as to whether the party against whom it is passed is, or is not, to bear the whole or any portion of the expenses, which may have been incurred by the party opposed to him, including, of course, costs of the nature indicated in the seventh clause of Section 2. Regulation III. 1828, in cases to which that clause may be applicable.

XXXIII. The original decrees of the special commissioners, intended to be kept with the records of the cases, as well as three counterparts, to be disposed of as underneath directed, are to be transcribed on plain paper, but of European manufacture exclusively; one counterpart shall, as soon as practicable, be delivered to the party opposed to Government: one counterpart shall be transmitted to the collector of the district in which the land is situated: and the remaining counterpart shall be forwarded to the Board of Revenue, or other authority exercising the powers of a Board of Revenue, under the control of which such collector may be placed. All other copies of the decrees of the commissioners, which parties

may require for private use, or as documents to exhibit in evidence, shall be made at the expense of the parties on plain or stampt paper, under the general regulations in force; but such copies shall only be permitted to be prepared by persons duly authorized by the commissioners.

All other copies to be made as directed by the regulations in force.

XXXIV. In transmitting a counterpart of the decree as above directed, to the collector the commissioner, by whom it may have been passed, shall accompany it by instructions to that officer, to carry it into immediate execution, and so report, within a given period, the measures which he may have adopted for that purpose.

Commissioner in transmitting counterpart of decree to collector, to order him to execute it, and report progress thereon.

XXXV. In all matters not specially provided for in the foregoing rules, or in Regulation III. 1828, the course of proceeding shall be conformable to the rules in force for the guidance of the courts of justice in the trial and decision of regular appeals.

GENERAL RULES.

Unless otherwise provided, the commissioners to be guided by regulations in force for the trial of appeals.

XXXVI. With a view to ensure uniformity in the proceedings and practice of the several special commissioners appointed to act under Regulation III. 1828, it is hereby provided, that whenever it may be deemed necessary by any special commissioner, to propose rules of practice, either original or in modification of the present rules, he shall transmit a draft of such rules to each of the other commissioners acting under the regulation, with a request that they will record their sentiments on the expediency or otherwise of the proposed rules, so that the draft, when transmitted for the consideration of Government by the commissioner with whom it may originate, may be accompanied by the observations of all the commissioners.

Any commissioner proposing new rules, to submit his draft before it is sent to Government to the other commissioners for their opinions, which are to accompany the reference.

FORM A.

Register of Lakheraj cases before the special commissioner appointed under Regulation III. 1828, for the division of ———.

Number of appeal.	Names of parties.	District in which the land is situated.	Substance of the decree appealed from.	Date of the decree appealed from.	Date of appeal.	Date and substance of final decision.

A. D. 1793. REGULATION XXIV.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the 10th June 1791, for determining the Continuance or Discontinuance of the Pensions heretofore paid by the Proprietors and Farmers of Land, but included in the Jumma or Revenue payable to Government at the decennial Settlement, and also of the Pensions heretofore paid from the Sayer abolished.*—PASSED *by the Governor General in Council, on the 1st May 1793; corresponding with the 21st Bysaak 1200 Bengal era; the 6th Bysaak 1200 Fussily; the 21st Bysaak 1200 Willaity; the 6th Bysaak 1850 Sumbut; and the 19th Ramzaan 1207 Higeree.*

Preamble.

THE following rules are prescribed for determining the continuance or discontinuance of the pensions heretofore paid by the proprietors and farmers of land, but included at the decennial settlement in the *jumma* or revenue of Government, and also the pensions heretofore paid from the *sayer* abolished, and for securing to persons adjudged entitled to pensions under this regulation, the regular payment of their pensions.

What pensions are to be continued.

II. All pensions received by virtue of *sunnuds* granted previous to the Company's accession to the *dewanny*, or since granted with the sanction of Government, shall be continued during the lives of the grantees. In instances in which the amount received may have been less than the amount specified in the *sunnud*, the former only is to be continued as heretofore.

What to be discontinued.

III. No pensions received without a *sunnud*, or under *sunnuds* granted since the Company obtained the *dewanny* without the sanction of Government, shall be continued, unless the persons receiving the pensions be real objects of charity, or unless they received them before the commencement of the Bengal, Fussily, or Willaity year 1179, (in Bengal, Behar, and Orissa respectively,) and have since continued to receive them, in which case, the pensions heretofore received are to be continued during the lives of the present pensioners.

Pensions not to be continued to descendants of original grantees without the sanction of the Governor General in Council.

IV. If the persons to whom the pensions were originally granted be deceased, the allowances are not to be continued to their heirs or descendants without the sanction of the Governor General in Council; and no pension, after the death of the party now entitled thereto, shall be hereafter continued to his descendants without the like sanction, whether the grant be, according to the terms of it, hereditary or otherwise.

Claims to pensions to be preferred to the collector of the *zillah*,

V. All persons deeming themselves entitled to pensions heretofore paid by proprietors or farmers of land, and now included in the *jumma* of Government, or to pensions heretofore received from the *sayer* abolished, are required to prefer their claims to the collector of the *zillah* in which they received the pensions. The collector, under the rules above laid down, and such as may be hereafter prescribed, * *is authorized to decide on the claims preferred to him, to the amount of fifty sicca rupees per annum, but no further, subject to an appeal, within one month from the date of the decision, to the Board of Revenue:*

and decided on by him to the amount of fifty sicca rupees per annum; subject to appeal to the Board of Revenue, and the Governor General in Council.

* Superseded by Sect. 3, Regulation XXII. 1806.

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nue; and to a further appeal from their decision, within the same period, to the Governor General in Council.

Collectors to keep separate proceedings, and submit a monthly abstract to the Board of Revenue.

VI. The collectors are to keep separate proceedings on the subject of the pensions to which this regulation relates, and submit a monthly abstract of them to the Board of Revenue.

To submit proceedings on pensions exceeding fifty sicca rupees per annum, with opinion, to the Board of Revenue, for the orders of the Governor General in Council.

VII. The collectors are to transmit their proceedings on all claims to pensions exceeding fifty sicca rupees per annum, including their opinion on each case, to the Board of Revenue, who are to submit the proceedings, with their sentiments on the several claims, for the orders of the Governor General in Council.

No pensions to be paid until decreed.

VIII. The collectors are restricted from paying any pensions not already authorized, until they, or the Board of Revenue, shall have decreed a right thereto, agreeably to section 5, or shall have received notice of their being allowed by the Governor General in Council under section 7; and on passing a judgment for any pension, they are immediately to report the same to the Board of Revenue.

Judgments of collectors for pensions to be reported to the Board of Revenue.

To what pensions these rules are not applicable.

IX. These rules are not to be considered to apply to any pensions excepting such as were heretofore paid by the landholders, and are now included in the *jumma* of Government, or which were received from the *sayer* abolished.

Certificates to be delivered to persons to whom pensions may be adjudged.

X. The collectors, on adjudging any pension not exceeding fifty sicca rupees per annum, or, on receiving intimation of the decision of the Board of Revenue, on appeal, for a pension not exceeding this sum, or, on being informed of the Governor General in Council having ordered the continuance of pensions of a larger amount referred to him, shall deliver to the party entitled to the pension adjudged, a certificate stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and whether admitted by himself, by the Board of Revenue, or by the Governor General in Council, with the date of such admission.

Also for pensions already authorized.

XI. A similar certificate is also to be given for all such pensions as may have been authorised by the Governor General in Council, and for which certificates may not have been already granted.

Register of certificates to be kept.

XII. The collectors, at the time of granting the certificates ordered in Sections 10 and 11, are to number and register them in an English and Persian register, to be kept for this purpose, and they are to be careful to note therein also such personal identifications of the parties receiving the certificates, as may detect any future attempt to transfer them to others.

Pensions to be paid quarterly.

XIII. The annual amount of the pensions is to be issued in quarterly proportions, viz. on the last day of the third, sixth, ninth, and twelfth months, of the Bengal, Fussily, and Willaity years respectively, for the preceding three months.

Rule for payment of pensions exceeding fifty rupees per annum, by the collectors.

XIV. All persons receiving pensions exceeding fifty sicca rupees per annum, are to attend the collectors in person at the stated periods, to receive the amount of their respective pensions; and the collectors are prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collectors, on being satisfied of the inability of the parties to attend in person, are permitted to issue the pensions to their authorised *vakeels*, but they are to take due precautions to prevent impositions after the death of the pensioners, and, in the event of any pension not being claimed within six months after it may become payable, they are to ascertain whether the party who received it be deceased, and report accordingly.

Rule for payment of pensions not exceeding fifty rupees per annum, by cauzies.

XV. All pensions not exceeding fifty sicca rupees per annum, are to be paid by the* cauzy *of the* pergunnah *in which the pensioners may reside, the collector supplying him quarterly with the funds necessary for that purpose, and furnishing him with a list of the persons entitled to such pensions. In issuing these pensions, the* cauzies *are to be guided by the same rules and restrictions as are prescribed to the collectors by Section* 14, *respecting the pensions exceeding fifty rupees per annum, which are to be paid to the pensioners immediately from their treasury. The* cauzies *are to take receipts from the pen-*

* This and the following Section are rescinded by Section 5, Regulation XI. 1813.

sioners for their respective allowances, and transmit them to the collector. They are to report to the collector the death of any pensioner the payment of whose allowance may have been entrusted to them, and any cauzy *who shall issue a pension without taking the prescribed precautions to ascertain that the person entitled thereto is in existence, or appropriate to his own use the allowance of any pensioner, or continue to any person not entitled thereto the allowance of a deceased pensioner, with whose demise there shall be satisfactory grounds for believing he was acquainted, shall be liable to be dismissed from his office, upon such misconduct being proved to the satisfaction of the Governor General in Council.*

To whom the payment of pensions not exceeding fifty rupees per annum is to be committed, where no cauzies are stationed.

XVI. In districts in which no cauzies *are stationed, the collectors are to commit the payment of the pensions not exceeding fifty rupees per annum, to the* tehsildar, *or other officer of Government who may be stationed in the* pergunnah *or village where such pensioners may reside, or, if there be no such officer, to any trustworthy person in the neighbourhood who may be willing to undertake the trust.*

Courts of judicature not to take cognizance of claims to pensions;

but they may hear complaints against a collector, or any person for withholding the payment of pensions which may have been adjudged.

XVII. The pensions and allowances to which this regulation relates being gratuitous, the determining upon the continuance or discontinuance of them under the rules prescribed is reserved to the collectors, the Board of Revenue, and the Governor General in Council; and claims to such pensions and allowances are declared not cognizable in any court of judicature: but if a collector, or a *cauzy*, or any person entrusted with the payment of pensions under this regulation, shall withhold from any pensioner the pension to which he or she may be entitled, in virtue of a certificate granted under Section 10 or 11, the collector or person withholding the pension, shall be liable to be sued for such act in the *dewanny adawlut* of the *zillah* or city in which the pension may be payable. The court, provided proof be made to its satisfaction, that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause to the satisfaction of the court for having withheld the pension, the court is to order it to be discharged, and compel the collector or other person by whom the pension may have been withheld, to pay to the complainant such sum for costs as may appear to it equitable.

A. D. 1793. REGULATION XLIII.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the 25th February 1793, for granting Lands to invalided native Officers and private Soldiers.* —PASSED *by the Governor General in Council,* on the *1st May* 1793; *corresponding with the 21st Bysaak* 1200 *Bengal era; the 6th Bysaak* 1200 *Fussily; the 21st Bysaak* 1200 *Willaity; the 6th Bysaak* 1850 *Sumbut; and the 19th Ramzaan* 1207 *Higeree.*

Preamble.

JUSTICE and policy requiring that the *jaghire* establishment for invalids, should be put upon such a footing as to render it productive of the benefits originally expected to result from it, viz. a comfortable retreat for worn-out native soldiers, with an ample subsistence for themselves during their lives, and decent provision for their families after their decease; and it being essential to the attainment of this object that the lands should be procured without any infringement of the rights of the *zemindars*, the Governor General in Council, on the 25th February 1793, framed a code of rules for new modelling the establishment, in which provisions were made for obtaining the lands from the proprietors on lease, or by purchase, and for delivering them to the invalids in such a state as to enable them to render their respective *jaghires* immediately productive. To add to the security and consequently the value of the tenures, the terms of them. and the privileges which they conferred on the grantees, were incorporated with the laws and regulations of the country. Provisions also were made for withdrawing the interference of the regulating officer from the *thanas* upon the death of the original grantees, and leaving their descendants to blend with the mass of the community, but secured by the regulations in the enjoyment of the rights and property which might devolve to them from their ancestors. Such parts of those rules, and of the rules passed on the 18th February 1789, and the 24th December 1790, therein referred to, as come within the description of the rules and orders specified in Section 2, Regulation XLI. 1793, are hereby enacted into a regulation.

Invalid villages allowed to be established throughout the soobah of Behar.

II. The establishment of villages for invalids, now confined to the zillahs *of Boglepore and Behar proper, shall be extended to the* zillahs *of Shuhabad, Tirhoot, and Sarun.*

To whom the immediate superintendence of the invalid establishments is to be committed.

III. The immediate superintendence of the invalid establishments in the five zillahs, *shall be committed to an officer, who shall be denominated the regulating officer, with assistants to act under his instructions. In the event of the absence or indisposition of the regulating officer, the powers vested in him are to be exercised by his assistants.*

Annual estimate to be made of the number of invalids for whom lands will be required,

and also of the proportions of that number to be provided for in each zillah.

IV. As soon as may be practicable after the native officers, sepoys, *and* lascars, *shall be assembled at Mongheer subsequent to the annual period of invaliding, viz. the 31st of March, an estimate shall be made of the number of officers and privates expected to be transferred to the* jaghire *establishment on the 1st April in the ensuing year, and also of the proportion of that number to be provided for in each* zillah. *The estimate is to be transmitted to the Governor General in Council, who will order it to be forwarded to the proper collectors. The collectors, immediately upon the receipt of the estimate, are*

Estimate to be sent to the collectors as soon as formed.

Collectors immediately upon the receipt of it, to pro-

* The whole of this regulation, excepting the preamble and Sect. 33, is rescinded by Sect. 2. Regulation I. 1804.

cost to procure the required quantity of land.

to proceed to procure the required quantity of waste land in the mode and upon the conditions hereafter specified.

Terms on which the collectors are to procure the lands on lease from the proprietors.

V. First. *When a collector shall have met with a spot of waste land calculated for the purpose of establishing a* thana *or village for the invalids, he is to make a proposal in writing to the proprietor of the land to take a lease of it on the part of Government, on the terms specified in the following articles.*

Second. *Article* 1. *The land to continue the property of the* zemindar *or other proprietor, and never to be separated from his estate.*

Land to continue the property of the zemindar, *and never to be separated from his estate.*

Third. 2*d*. *The* pottah *or deed of lease, to include the* julker, bunker, *and* phulker, *or all trees and the produce of them, fisheries, and pasture land.*

Pottah to include the julker, bunker, *and* phulker.

Fourth. 3*d*. *The invalids to hold the land free of rent, or any demand whatever during their lives, and after their demise, the land to devolve to their heirs.*

Invalids to hold the land free of rent for life. Land to devolve on their heirs.

Fifth. 4*th*. *The heirs of invalids, for the first five years after they may come into the possession of land, to pay to the* zemindar *a sum equal to one-tenth of the produce of the land as* malikanah.

Malikanah to be paid by the heirs of invalids for the first five years.

Sixth. 5*th*. *After the expiration of the period of five years, the payment of one-tenth as* malikanah *prescribed in the fourth article to cease, and the collector to assess the lands with a neat rent, equal to two-thirds of the amount paid for other lands in the district of the same description and quality. This rent not to be liable to any variation, and to be paid to the* zemindar, *or other proprietor.*

Lands to be assessed at two thirds of the produce after the first five years above mentioned.

This assessment not liable to variation.

Seventh. 6*th*. *If the original grantee should die within seven years from the date of his being put in possession of his lands, his heir to continue to hold them rent-free until the expiration of such period of seven years, from which time the lands are to become subject to the two preceding articles, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding five years.*

Terms upon which heirs of invalids who die within seven years are to hold their lands.

Eighth. 7*th*. *If an invalid shall die without heirs, it be given to the option of a fresh man coming upon the establishment, to supply his place in the* thana, *upon his agreeing to take the lands upon the terms to which he would have succeeded to them had he been the heir of the deceased. If no fresh man will agree to take the lands upon these terms, the lands to revert to the* zemindar *or other proprietor, who is to be entitled to dispose of them in such manner as he may think proper.*

How the lands of invalids dying without heirs are to be disposed of.

Ninth. 8*th*. *If an invalid shall die, and leave heirs who are not willing to receive the lands upon the foregoing terms, or are incapable of cultivating them, the heirs to be allowed to dispose of their rights to any of the invalids belonging to the* thana, *the purchaser becoming subject to all the conditions in the articles regarding such heirs.*

In what cases and to whom the heirs of invalids, are to be at liberty to dispose of their lands.

Tenth. 9*th*. *If an invalid, from idleness or perverseness, shall wholly neglect the tillage of his* jaghire *for two years after he may be put in possession, the* jaghire *to be forfeited and given to a fresh man.*

Invalids liable to forfeit their jaghires for neglecting to cultivate them for two years.

Eleventh. 10*th*. *If an heir to a* jaghire *shall leave the land uncultivated for one year after he may claim it, and be ordered to be put into possession, the land to be deemed forfeited, and to be transferred to any other invalid, or heir or successor of an invalid, who will take it upon the same terms as he would have been entitled to hold it, had he been the heir of the deceased. In the event of no invalid agreeing to take the* jaghire *upon the above terms, the* jaghire *to revert to the* zemindar *or other proprietor, as in the cases provided for in the seventh article.*

Heirs of invalids also liable to forfeit their lands, if they omit to cultivate them for one year. To whom the lands may be transferred.

Cases in which they are to revert to the zemindar.

Twelfth. 11*th*. *Upon the arrival of the period for assessing lands which may have devolved to the heirs or successors of invalids, such parts of them as might have been cultivated, and are not brought into cultivation, to be resumed, and the* zemindar *or other proprietor to be at liberty to grant* pottahs *for them to whomsoever he shall think proper, unless the person who may have omitted to cultivate them shall enter into an engagement to bring them into cultivation in the course of one year, calculating from the commencement of the year in which they became liable to the final assessment, and in all future years, to pay for them as cultivated lands.*

Rules regarding arable lands not brought into cultivation by the time they become liable to assessment.

Thirteenth.

Thirteenth. 12*th*. *The* malikanah *and rent to which the lands are declared liable in the fourth and fifth articles, to be collected by the collector, and accounted for to the* zemindar *or other proprietor by credit being given him for the amount in part of his stipulated annual payments to Government. No increase of revenue to be levied from the* zemindar *or other proprietor during the term of the engagement which may subsist between him and Government, on account of the rent or* malikanah *which may become payable to him from the lands of the invalids during the term of such engagements.*

Malikanah *and rent of the* zemindar *how to be collected.*

Zemindar *not to be liable to any increase of revenue on account of rent or* malikanah *that may become due to him during an existing lease.*

Fourteenth. 13*th*. *Whenever an invalid, or his heir or successor, may be put in possession of a* jaghire *previous to its being charged with the permanent assessment, the regulating officer to obtain from the proprietor, through the collector, a separate* pottah *for such person, which is to express the terms on which he is to hold the land, as specified in the preceding articles. When a* jaghire *becomes liable to the permanent assessment, the regulating officer to obtain from the* zemindar, *or other proprietor, through the collector, a* pottah *in the name of the possessor, specifying the amount of the rent or assessment, the quantity of land, the boundaries of it, and the terms of the tenure as above defined.*

Pottah *to be obtained from the proprietor for invalids, &c. upon their being put into possession of their land.*

Pottah *to be procured from the proprietor, when the lands become liable to assessment.*

Fifteenth. 14*th*. *The* zemindars *or other proprietors, to be allowed to station a* mutsuddie *in the* thanas, *to take copies of the accounts of the rent and* malikanah *that become due to them, and to inform them of every infringement of the terms under which the lands in the* thanas *are held, as specified in the agreement between them and Government.*

Proprietors at liberty to station an agent in each thana, *to keep accounts of his rent and* malikanah, *and to take care of his interests.*

Sixteenth. 15*th*. *Whenever all the lands in a* thana *shall have become liable to the permanent rent or assessment specified in the fifth article, Government to withdraw the regulating officer, and the* thana *to be considered upon the same footing as other villages in the* zemindaree *or estate, the heirs and successors of the original grantees continuing to hold their lands upon the terms specified in their* pottahs.

Thana *to be considered upon the same footing as other villages in the* zemindaree, *when all the lands become liable to the fixed assessment, and the interference of Government be withdrawn.*

Heirs and successors of the original grantees to hold according to their pottahs.

Seventeenth. 16*th*. *As long as the* thana *remains under the charge of the regulating officer, Government to be responsible to the* zemindar *or other proprietor for the payment of his* malikanah *and rent. When the officers and interference of Government shall be withdrawn upon the arrival of the period specified in the preceding article, the* zemindar *or other proprietor, to be at liberty to recover his rent from the heirs and successors of the invalids, by the process prescribed in Regulation XVII.* 1793, *in the same manner as from other persons holding lands upon* pottah.

Government to be responsible to the zemindar *for the rent or* malikanah *while a* thana *remains under charge of the regulating officer.*

How the zemindar *is to recover his rent, when the interference of Government shall be withdrawn.*

Eighteenth. 17*th*. *After the officers of Government shall have been withdrawn from a* thana *in the case specified in the fifteenth article, if an invalid, or his heirs or successors, shall die without heirs, and intestate, the* jaghire, *or such parts of it as may have been held by the deceased, to devolve to the* zemindar, *who shall be at liberty to grant a* pottah *for it, or to dispose of it to such person, and upon such terms, as he may think proper.*

Lands of invalids or their heirs or successors dying without heirs and intestate, to devolve to the zemindar.

Nineteenth. 18*th*. *Any other stipulations which may be made between Government and the* zemindar, *or other proprietor of land, shall be binding on the parties. All differences between Government and the* zemindar, *or other proprietor, and between the latter and the invalids, or their heirs or successors, respecting the nature of the invalid tenures, to be decided in the* dewanny adawlut *of the* zillah.

Twentieth. 19*th*. *An agreement to be exchanged between Government and the* zemindar, *or other proprietor of land, containing the stipulations specified in the several clauses in this section, and such other stipulations as the parties may introduce in virtue of article eighteenth, and to be the instrument to be referred to upon any dispute arising between Government and the* zemindar, *and between the latter and the invalids, or their heirs or successors, on all points to which it may relate.*

VI. If the estate, or the part of the estate of any zemindar, *or other proprietor, in which any lands leased to Government under this regulation may be situated, shall be disposed of at public sale, or be transferred or devolve in any manner to any other person, neither the lease of Government, nor the terms of the tenures of the invalids, or their heirs or successors, are to be in any respect affected, but the new proprietor is to be bound by the terms of the deeds in the same manner as the proprietor who granted them would have*

Any person succeeding in an estate, or a part of an estate in which any lands may have been leased to Government under this regulation, to abide by the terms of the lease.

have been, had he retained the property, notwithstanding any thing that may be said to the contrary in Regulation XLIV. 1793, *or any other regulation passed on the* 1st *May* 1793.

Collector to report whenever there may be any estates to be disposed of at public or by private sale calculated for thanas, *that they may be purchased if thought eligible.*

VII. If a collector in any of the sillahs *in which* thanas *are allowed to be established shall hear of any estate procurable by private purchase, which may contain a sufficient quantity of waste land, and be properly situated for the establishment of a* thana; *or if any such estate shall be ordered to be put up to public sale, he is to inform the Governor General in Council, in order that it may be purchased on the part of Government for the establishment of a* thana, *if circumstances should render it advisable.*

Invalids established upon Government's lands to hold upon the same terms as of individuals.

Exceptions.

VIII. Whenever invalids shall be established upon lands the property of Government, they are to hold them of Government upon the same terms as invalids settled upon lands belonging to zemindars, *or other proprietors of land paying revenue to Government, or upon such other terms as the Governor General in Council may judge it proper to prescribe, previous to establishing the invalids upon the lands.*

Widows being heiresses to their husbands may remarry without forfeiting their jaghire, *which are to devolve to their heirs at law.*

IX. Widows, being heiresses to the jaghires *of their husbands, are to be allowed to marry whom they please without forfeiture of their* jaghires, *which, after their death, are to devolve to their heirs at law.*

Regulating officer with his assistants, to superintend the conduct of the invalids, and to settle all petty differences within the thana.

X. It is to be the duty of the regulating officer, with the aid of his assistants, to superintend the conduct of the invalids in the several villages, and to settle all internal petty frays and differences that may arise between the invalids and other inhabitants of the thana, *in such manner as may appear equitable.*

In what cases invalids are to be tried by a court martial.

XI. Disputes or misconduct of magnitude to the prejudice of good order, in which an invalid may be the person complained against, are to be investigated by courts martial, to be ordered and approved by the regulating officer.

Parties in disputes respecting agreements concluded or property lying within the thana, to have the option of referring them to arbitration.

XII. First. *In cases where a dispute may arise between the invalids or other inhabitants of the* thanas, *regarding debts or other contracts concluded within the* thanas, *or respecting any real or personal property, being or lying within the limits of the* thanas, *the parties shall have the option of appointing an arbitrator or arbitrators for the adjustment of their claims. The following rules are prescribed for the guidance of the regulating officer, respecting the reference of suits to arbitration.*

Officer to encourage, but not oblige persons to become arbitrators.

Second. *The officer is to afford every encouragement in his power to persons of character and credit to become arbitrators; but he is not to employ any coercive means for that purpose, nor to permit any of his public officers, or private servants, to be arbitrators in a cause. In all cases, he is to endeavour, but without using any compulsion, to prevail upon the parties to submit their cause to the arbitration of one person, to be mutually agreed upon by them. In every case, the parties are to choose the arbitrator or arbitrators, by whom the matter in dispute is to be decided without fee or reward.*

Officer to recommend parties to submit to the arbitration of one person.

Parties to choose the arbitrators, who are to decide without fee or reward.

Officer how to proceed upon the parties agreeing to refer a cause to arbitration.

Third. *Whenever a suit shall be submitted to arbitration, the regulating officer, previous to the arbitrator or arbitrators entering upon the arbitration, is to cause the parties to execute arbitration bonds, binding themselves to abide by the award. The officer is to fix such time as he may think reasonable, upon a consideration of the nature and circumstances of the case, for the delivery of the award, and the period so fixed is to be specified in the bonds. If the cause shall be referred to two or more arbitrators, the following provisions are to be made for completing the award, in the event of the arbitrators not delivering it by the limited time, either from disagreement or other cause. If the decision of the suit shall be referred to two or more arbitrators, whether an odd or an even number, the parties are to have the option of nominating jointly one person as umpire; or, if the number of arbitrators appointed shall be three or more, being an odd number, to agree that the award given by the majority shall be final, or, to permit the arbitrators to nominate an umpire. The name of the umpire, and the time by which he is to make the award, in the event of the arbitrators not delivering it by the limited period, is to be specified in the bonds. In the event of an umpire being appointed, and the arbitrators not agreeing in an award by the limited period, their authority is to cease from such period, and the umpire is to give his award.*

Provisions to be made against the arbitrators not delivering their award by the limited time from disagreement, or other cause.

Fourth. *When a cause shall be referred to arbitration, and the bonds specified in the preceding section shall have been executed, the regulating officer is to transmit to the arbitrator or arbitrators a copy of the complaint, and by a short writing under his signature, refer to him or them the matters in dispute between the parties. In the trial of the suit, the arbitrators are to investigate the matters in dispute, by hearing the pleadings of the parties, and examining their respective witnesses and documents. If the evidence of any persons residing within the limits of the* thanas *should be required by the arbitrators or the parties, the officer is to cause their attendance. If the evidence of any person residing out of the limits of the* thanas *should be necessary, the regulating officer is to transmit such interrogatories as may be required to be stated to them, to the* vakeel *of Government in the* zillah *in which the witnesses may reside, who is to apply to the court to summon the witnesses, and take their depositions. When the depositions are taken, they are to be forwarded by the register of the court to the regulating officer.*

Officer how to proceed when the arbitration bonds have been executed.

Fifth. *In cases where arbitrators, or umpires, shall not have been able to complete the award by the limited time, from want of the necessary evidence or information, or other good and sufficient cause, the regulating officer is empowered to allow a further time for the delivery of the award. In the first mentioned case, the regulating officer is to fix a period by which the umpire (if an umpire shall have been appointed) shall deliver his final award, in the event of the arbitrators not completing their award by the expiration of such further time.*

Cases in which the officer may extend the period for the delivery of an award.

Sixth. *When a final award in a cause shall be made either by the arbitrators, or the umpire, it is to be submitted to the regulating officer under the seal or signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause. The regulating officer is to pass a decision conformably to the award, and the decision is to be carried into execution in the same manner as his other decisions.*

Arbitrators to deliver all documents and papers to the officer.

Award to become a decree of the officer.

Seventh. *The regulating officer is on no account to set aside the award of an arbitrator or arbitrators, except it be fully proved to his satisfaction by the oaths of two credible witnesses, that the arbitrator or arbitrators has or have been guilty of gross corruption or partiality in the cause in which the award may be made; in either of which cases he may set aside the award, or make such alteration in it as he may think equitable. The regulating officer, however, is to be careful not to set aside or alter any award, without such proof of the corruption or partiality.*

Awards not to be set aside but upon proof of corruption or partiality against the arbitrators.

XIII. If either of the parties shall omit or refuse to appoint arbitrators, the regulating officer is to enquire into the claim, and pass such decision upon it as may appear to him equitable.

Officer to decide the dispute, if either of the parties omit or refuse to appoint arbitrators.

XIV. The regulating officer is empowered to administer the proper oaths to persons residing within the limits of the thana, *who may be summoned to give evidence before him. If any person so sworn shall appear to him to have been guilty of perjury, the officer may order the* vakeel *of Government to prosecute him before the magistrate of the* zillah *for perjury.*

Regulating officer empowered to administer oaths.

Persons so sworn, if guilty of perjury, liable to be prosecuted before the magistrate.

XV. The regulating officer is empowered to enforce his decisions by causing the delivery of the property (provided it shall be or lie within the limits of any of the thanas*) to the party in whose favour the decision may be passed; or if any sum of money shall be adjudged, and the party against whom the decision shall be passed shall omit or refuse to satisfy it, by the public sale of any property he may possess within the* thana.

How the decisions of the officer are to be enforced.

XVI. But the regulating officer is not to take cognizance of any complaint or claim, where the cause of action shall have arisen, or the property claimed shall be situated, without the limits of the thanas. *Such suits are to be instituted and decided in the court of judicature of the* zillah.

Of what suits the regulating officer is not to take cognizance.

XVII. The regulating officer shall not sell any property lying without the limits of the thana, *in satisfaction of any decisions that he may pass in causes which he is above authorized to determine. But if a decision shall be passed by the regulating officer against any invalid or inhabitant of any of the* thanas, *for a sum of money on a bond, or other contract*

Officer not to sell property without the limits of the thanas, in satisfaction of decisions passed by him.

Mode in which the officer is to procure the sale of pro-

party out of the limits of the thanas *belonging to persons residing in the* thanas *against whom he may pass decisions.*

contract or agreement, which shall have been executed or made within the limits of the thanas, *and the person against whom the decision may be passed, shall not have property within the limits of any of the* thanas *sufficient for the liquidation of it, but shall possess property without the limits of the* thanas, *the regulating officer is to submit a copy of his decision through the* vakeel *of Government to the judge of the* dewanny adawlut *of the* zillah *or city in which the property may lie or be, who, unless an appeal shall be preferred against the decision, is to cause it to be enforced by the sale of the property of the party against whom it may be passed, in the same manner as if the decision had been given in his own court.*

Regulating officer not to issue process or exercise any authority whatsoever out of the limits of the thanas.

XVIII. The regulating officer is not to issue any process, or exercise any authority whatsoever out of the limits of the thanas.

Plaintiffs at liberty to complain in the first instance to the dewanny adawlut *of the* zillah, *instead of bringing their cause before the regulating officer.*

XIX. If any claims of a civil nature shall arise between the invalids or other inhabitants of the thanas, *and the plaintiff, or both the plaintiff and defendant, shall be desirous of bringing the cause in the first instance before the* dewanny adawlut *of the* zillah *in which the* thana *may be situated, instead of preferring it to the regulating officer, the plaintiff is permitted to prefer the suit to the court accordingly.*

Invalids charged with murder or other heinous offence, to be sent to the magistrate.

XX. If an invalid shall be charged before the regulating officer with murder, house-breaking, robbery, theft, or other heinous crime, the regulating officer is to send the party accused to the magistrate of the zillah, *who is to proceed with him in the same manner as he is directed to proceed with other persons charged before him with similar crimes or offences, and apprehended under his own warrant.*

In what cases an appeal is to lie from the decisions of the regulating officer to the dewanny adawlut *of the* zillah.

XXI. An appeal is to lie to the dewanny adawlut *of the* zillah *from the decisions passed by the regulating officer, in all causes for personal property in which the sum of money, or the value of the thing claimed or decreed, shall exceed fifty rupees; and in all causes whatever for real property lying within the* thana *provided that the petition of appeal be presented to the judge within six weeks after the date of the decision of the regulating officer.*

Claims and charges, preferred against inhabitants of a thana, *by persons residing out of the* thanas, *and by the former against the latter, to be exclusively cognizable in the civil and criminal courts.*

XXII. If any invalid or other inhabitant of a thana, *shall have a claim or charge of a civil or criminal nature to prefer against any person residing without the limits of the* thanas, *or if any person residing without the limits of the* thanas, *shall have a claim or charge to prefer against an invalid, or other inhabitant of a* thana, *such claim or charge is to be considered as exclusively cognizable in the civil or criminal court of the* zillah *or city to the jurisdiction of which it may belong.*

Regulating officer empowered to employ the vakeel *of Government to plead the causes of invalids or their heirs residing within the* thanas,

where they may have civil or criminal suits, or charges to prefer against persons out of the thanas;

or criminal charges of the nature specified in Section 20, against any person residing in a thana;

or, where a civil suit may be preferred against them by a person residing out of the thana;

or, where they shall have agreed to refer a claim made upon them to the regulating officer, or to arbitration, and the plaintiff shall nevertheless have sued them in the first instance in the court.

Authority vested by this section in the regulating officer to extend only to the suits

XXIII. To prevent invalids, or their heirs residing within the thanas *and possessing the whole or a part of their* jaghires, *being harassed with lawsuits, and that they may be enabled to defend or prosecute suits in the courts of civil judicature without being obliged to attend in person, or being subjected to trouble or expence; the regulating officer is empowered in the following cases to employ the* vakeel *of Government to plead the causes of invalids, free of cost.*

First. *Where an invalid, or his heir residing in a* thana, *may have a claim of a civil, or a charge of a criminal nature, to prefer against any person residing out of the limits of the* thanas, *or a criminal charge against any invalid or inhabitant of a* thana *of which the regulating officer is prohibited taking cognizance by Section* 20.

Second. *Where a claim of a civil nature may be preferred against an invalid, or his heir residing within a* thana, *by any person not being an inhabitant of a* thana.

Third. *Where an invalid, or his heir residing within a* thana, *shall be sued by another invalid or inhabitants of the* thana *in the court of justice in the first instance, notwithstanding he shall have offered to the plaintiff to submit the cause to be tried by the regulating officer or by arbitration.*

Fourth. *The authority to employ the* vakeel *of Government given to the regulating officer by this section, is to extend only to the suits specified in the three foregoing clauses in which invalids, or theirs heir residing in the* thanas, *may be parties, and not to any suits of other descriptions of persons residing in the* thanas, *nor of invalids or their heirs who may reside out of the limits of the* thanas.

XXIV. The regulating officer is prohibited employing the vakeel *of Government to undertake the suits of invalids in the following cases.*

therein specified, in which invalids or their heirs residing in the thanas *may be parties.*

The regulating officer prohibited employing the vakeel *of Government to plead for invalids or their heirs residing in the* thanas, *where their claims or prosecutions may appear to him unjust or frivolous, or the suits or proceedings instituted against them may appear to him well founded;*

First. *To prevent invalids or their heirs, abusing the above indulgence of having their suits pleaded by the* vakeel *of Government, the regulating officer is not to order the* vakeel *of Government to undertake any suits or prosecutions of the descriptions specified in the preceding section, which may appear to him unjust or frivolous; nor to defend any suits or prosecutions that may be preferred against invalids, or their heirs, which may appear to him well founded. In such cases, the invalid or his heir is to be left to prosecute the claim or charge, or to defend the suit in person, or by* vakeel, *at his own cost.*

or, they may be prosecuted for any of the offences described in Section 20;

Second. *Where an invalid, or his heir residing within a* thana, *shall be prosecuted for any of the criminal offences described in Section* 20, *whether the prosecutor be or be not an inhabitant of a* thana.

or, they shall appeal from a decree of the regulating officer;

Third. *Where an invalid, or his heir, shall appeal from a decree of the regulating officer.*

or, they shall agree to any suits being brought before the court in the first instance.

Fourth. *Where invalids, or their heirs, shall agree to any suits in which they may be parties, being brought in the first instance before the court of justice as authorized in Section* 19.

Process of the civil and criminal courts and the police officers to be current within the thanas, *in the same manner as out of their limits.*

XXV. The process of the civil and criminal courts of judicature and of the police officers, is to be current in the invalid thanas, *in the same manner as in other parts of the country, and the invalids and all inhabitants of the* thanas, *are to pay due obedience thereto under pain of paying such fine or suffering such punishment, as the courts are empowered by any regulation passed and printed in the manner directed in Regulation XLI.* 1793, *to impose or inflict on persons disobeying or resisting their process.*

Money-lending amongst the invalids to be discouraged.

XXVI. The regulating officer is to discourage all money-lending amongst the invalids as much as possible, and Regulation XV. 1793, *is to be fixed up in the* cutcherry *of every* thana. *The regulating officer is to conform to the abovementioned regulation, in adjusting claims for debt, or other matters to which it is applicable.*

Regulation XV. 1793, *to be fixed up in every* thana.

Regulating officers to conform to the above regulation.

XXVII. Jaghires, *whilst possessed by invalids, are not to be assigned as security for money borrowed by them, nor to be answerable after their decease for debts contracted by them. But when* jaghires *devolve to the heirs or successors of invalids, they are to be answerable for debts contracted by such heirs and successors.*

Lands in possession of invalids not to be assigned for debts, nor to be answerable after their decease for debts contracted by them.

The above restrictions not to operate, when the lands devolve to their heirs or successors.

XXVIII. The following are the proportions of lands to be granted to the several descriptions of invalids.

Quantity of land to be granted to the several descriptions of invalids.

			Beegahs.
A subadar *of infantry, and a first* jemadar *of cavalry,*	...	...	100
A jemadar *of infantry, and a second* jemadar *of cavalry, and* sarang,	...	...	50
Havildar of infantry, and a first duffadar *of cavalry, and* tindal,	...	...	30
Naik of infantry; and a second duffadar *of cavalry, and* cossob,	...	...	25
Sepoy, trooper, *lascar,* drummer, trumpeter, *and* behistee,	...	...	20

Distribution of the lands to be made by the regulating officer in concert with the collector, agreeably to the instructions with which they may be furnished; and the courts of judicature are not to interfere in any shape, or receive any complaints or representations whatever regarding the distribution.

Distribution of the lands by whom and how to be made.

XXX. The invalids are to be present at their respective thanas *at the periods of inspection, and payment of the proportion of their pay which Government may judge it proper to continue of them in addition to the provision in land, in failure of which they are to be struck off the establishment. The courts of judicature are not to receive any complaints or representations that may be presented to them by any invalid for having been struck off the establishment under this section.*

Invalids to be present at the periods of inspection and payment.

XXXI. First. *The rules in Section 5, are to be considered as immediately applicable to the lands only which have been granted to invalids subsequent to the 25th February* 1793, *or that may be hereafter granted to them. But the collectors are to endeavour to bring the lands in the* thanas *established previous to that date in Behar and Boglepore*

Rules in Section 5, to be considered immediately applicable only to lands granted after the 25th February 1793. *But the lands in the* thanas *in Boglepore and Behar to be*

brought under the abovementioned section as soon and as far as may be practicable.

Boglepore under the rules prescribed in the abovementioned section, as far as may be practicable consistently with the terms on which the lands were made over to the original grantees, by prevailing upon the present occupants, and the zemindars, *to enter into agreements to that effect. By this means the nature of the tenure of the former will be defined, and the rights of the latter preserved: all the invalid establishments will be under one uniform system; and the rights both of the* zemindars *and the invalids, and their respective heirs and successors, as founded upon the terms of the deeds of agreement, will be equally under the protection of the laws. For the attainment of the above object, the collectors and the regulating officers are to conform to the following instructions.*

To enter into agreements with the zemindars, *subjecting the lands above mentioned to the terms in Section 5.*

Second. *To endeavour to conclude agreements with the* zemindars, *rendering all lands now held by invalids or their heirs, in Boglepore and in Behar, (excepting the lands granted to the invalids under the regulations of the 18th February 1789,) subject to the conditions specified in Section 5, of this regulation.*

To new model the thanas *as far as regards the proportions of land under the restrictions herein prescribed.*

Third. *To new model the* thanas *in Boglepore and Behar, as far as relates to the proportions of land, and to fix for each invalid now on the establishment, the quota of land assigned for his rank by Section 28, and to extend this rule to the heirs and successors of invalids who have come into possession of* jaghires, *resuming both from invalids, and the heirs or successors of invalids, whatever quantity of land may have been granted to them exceeding that proportion, excepting where the occupants shall have brought into cultivation a larger quantity of land than is now fixed for their respective ranks, or the ranks of their ancestors or predecessors, in which cases they are not to be deprived of any part of the land that is in actual cultivation, but to continue to possess the whole under the conditions above prescribed.*

Rules for the administration of justice, &c. declared applicable to the thanas *mentioned in the preceding section.*

XXXII. The several rules for administering justice in thanas *established subsequent to the 25th February 1793, are to be considered to extend to the* thanas *already established in Boglepore and Behar.*

Rules in the preceding sections not applicable to the invalids who accepted of double portions of lands under the resolutions of the 18th February 1789, and 24th December 1790.

XXXIII. *First.* No part of the rules in the preceding sections of this regulation are to be considered applicable to the invalids, who have accepted of double portions of land under the resolutions of the Governor General in Council, passed on the 18th February 1789, and the 24th December 1790. Those invalids are dispersed in different parts of the country, receive no pay, are under no military controul, and are entirely unconnected with the service. They are to be considered as tenants of the landholders in whose estates they are settled, and are subject to the jurisdiction of the civil and criminal courts of judicature, in the same manner as other individuals. To secure them and their heirs in the possession of the lands which have been made over to them, the collectors are to apply to the *zemindars* to grant them *pottahs* confirming the land to them and their heirs as *pottah, talooks* agreeably to the terms of the abovementioned regulations, under which they received the lands, and which, as far as they regard the provinces of Bengal, Behar, and Orissa, are hereafter inserted as the rules by which all questions regarding any such grants as may have been made, are to be decided.

Invalids allowed the portions of land herein specified, upon taking a discharge from the service.

Second. Regulations of the 18th February 1789, article 1st. Such invalid *sepoys* and native troops now at Monghir, and all who shall hereafter be invalided, as may be desirous of receiving grants of waste land in lieu of the pay allowed them by Government, upon taking a final discharge from the service, shall be entitled to the same in the following proportions, according to their rank:

	Beegahs.
Commandants of infantry, and russuldars of cavalry, ...	600
Subadars of ditto, and 1st jemadar of ditto, ...	400
Jemadars of ditto, and 2d jemadar of ditto, ...	200
Havildar of ditto, and 1st duffadars of ditto, ...	120
Naiks of ditto, and 2d ditto ditto, ...	100
Sepoys and troopers, ...	80

Serangs as jemadars—tindals as havildars—cossobs as naiks—lascars as sepoys.

Lands to be granted in Behar, Shahabad, or Rotas,

Third. 2d. The lands shall be granted either in sircar Behar, Shahabad, or Rotas, and in such villages as each individual may point out.

Fourth. 3d. Should any objection occur to the collectors of the above districts to granting waste lands to any individual in the village which he may fix upon, they are to allot lands to him in some of the villages most contiguous thereto, and to the granting of which no objection exists.

wherever the invalids may point out.

Collectors how to proceed, if lands cannot be procured in the villages which the invalids may point out.

Fifth. 4th. Waste lands are to be granted to the invalids in other districts exclusive of those above mentioned, in such particular instances as the Governor General in Council may think proper.

Government may assign lands in other districts besides those specified in article 2d.

Sixth. 5th. The collectors of Behar and Shahabad, are to be directed to make it a rule to select, as far as may be in their power, such tracts of waste land for the invalids as may be brought into cultivation with the least difficulty, and at the smallest expence, and the quality of which may be such as to afford a produce adequate to the labour of the tillage; and that they be contiguous to parts of the country now in a state of cultivation, in order that the invalids may have an opportunity of procuring with greater facility such assistance as may be requisite for enabling them to establish themselves upon their lands.

Rules to be observed by the collectors in selecting lands for invalids.

Seventh. 6th. The original grantee shall hold the lands allotted to him rent-free for life, without being subject to any tax or demand whatever.

Original grantee to hold the lands rent free for life.

Eighth. 7th. The *sunnuds* for the lands so granted in Behar, Rotas, and Shahabad, shall be made out under the official seal and signature of the collectors of those districts, who are respectively required to keep a register of all such grants, and to transmit copies thereof annually to the Board of Revenue.

Sunnuds for the lands by whom to be granted.

Ninth. 8th. Upon the death of the original grantee, his lands are to be continued to his heirs at law at a fixed *jumma*, to be assessed by the collectors aforesaid, in their respective districts, upon an estimate of the actual neat produce, after deducting one-tenth therefrom to be annually paid to the *zemindar* as *malikanah* by the *mocurreres* holder, who shall thenceforward be considered upon the same footing as other persons in the province holding lands at a fixed rent.

Upon the death of an invalid, his lands to descend to his heirs upon the terms herein specified.

Tenth. 9th. The collectors above mentioned, having fixed the rent payable to Government, and the amount of the *zemindar's malikanah* as directed in the preceding article, shall cause *mocurreree sunnuds* to be drawn out and authenticated in the mode prescribed in the seventh article, in the name of the heirs of the deceased, who shall accordingly hold the said lands in perpetuity, so long as they shall continue to discharge the rent and *malikanah* with which they may be so assessed.

Heirs of the invalids to receive the prescribed *sunnuds*, and to hold the lands whilst they discharge the *malikanah* and rent.

Eleventh. 10th. If the original grantee shall die within five years from the date of his grant, his heirs shall continue to hold the lands rent-free until the said period of five years from the date of such grant shall have elapsed, at the expiration of which, the lands shall be assessed and held by him as directed in the two preceding articles.

Terms on which the heirs of invalids who may die within the first five years, are to succeed to the lands of the deceased.

Twelfth. 11th. Should any of the *mocurreredars* aforesaid, omit to discharge the amount of the rent of Government, and the *malikanah* payable to the *zemindar*, their *mocurreree* leases, with the rights and privileges thereto annexed, are to be sold to the best bidder for the liquidation of the amount of the demands against them.

Consequences attending the non-payment of the rent and *malikanah*.

Thirteenth. 12th. And in order that the men who may hereafter prefer this provision to the Boglepore establishment, may be the better enabled to provide themselves with the implements of husbandry, and the means of cultivating the lands assigned to them, it has been further agreed to grant to the several ranks a gratuity in money in the following proportions:—

Gratuity in money to be granted to invalids.

To each rank entitled to receive 600 *beegahs*, 150 sicca rupees.

ditto	ditto	400	do.	100
ditto	ditto	200	do.	50
ditto	ditto	120	do.	30
ditto	ditto	100	do.	20
ditto	ditto	80	do.	15

Fourteenth. Regulation of the 24th December, 1790. To obviate any objections which the landholders may entertain to the allotment of waste lands to invalids, the whole amount of the fixed *jumma* to be assessed upon such lands after the death of the original grantee

Landholders not to be subject to the payment of any increase of revenue to Government for the rent

or *mukhasah* herein specified.

grantee, agreeably to the regulations of the 19th February 1789, shall belong to the proprietor of the village in which such lands may be situated, and he shall not be subject to any additional demand on the part of Government on account thereof, during the term of the engagements that may exist between him and Government at the time that the lands so granted may become liable to the payment of such *jumma*.

A. D. 1795. REGULATION XXXIV.

A REGULATION *for re-enacting, with Modifications, the Rules respecting the Pensions payable from the Government and Moolky Treasuries in the Province of Benares.*—PASSED *by the Governor General in Council, on the 27th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

Preamble.

THE following rules are prescribed, for determining the continuance or discontinuance of the pensions, payable in money from the Government and the *moolky* treasuries at Benares.

First class of pensions, to be considered as property.

II. The pensions under the heads of *maash*, and *roseena*, sanctioned by the Governor General in the year 1781, amounting to Benares sicca rupees 33,296. 7 annas, having been originally granted, either wholly or in part, as indemnifications for *ayma*, or other land, resumed under the native Government, are not to be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order issued for the confirmation of them; but are to be considered as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited, in the same manner as other property.

Second class of pensions, to non-reinstated landholders, determinable on the demise of the parties.

III. The second class of pensions payable from the treasury, consist of allowances granted in 1781 by the Governor General, to certain persons who represented themselves to have been landholders in the *zemindaree* of Benares, and whom it was then intended to reinstate. Agreeably to the orders of the Governor General in Council, under date the 11th of April 1783, no part of these pensions are to be continued to the heirs of the persons now in the enjoyment of them, without his special sanction.

Third class of pensions, formerly issuable out of the local collections, and all other allowances of this description, depend for their continuance, after the death of the present holders, on the will of Government; as do the fourth or miscellaneous class of pensions.

IV. Besides the pensions noticed in the preceding section, there are others payable from the *moolky* treasury, which were heretofore paid by the *aumils* in their several *pergunnahs*, and for the amount of which they received credit in their accounts of the revenue; and also certain other miscellaneous allowances to individuals, receivable partly from Government's, and partly from the *moolky* treasury, the continuance of all which depend on the conditions and limitations under which they were severally granted. But it is to be considered as a general rule, that the collector is to report to the Board of Revenue, the death of all pensioners whose pensions are receivable either from the Government's or the *moolky* treasury, with the circumstances and conditions of the original grant, and the several orders that may have been subsequently passed on the subject. The Board of Revenue are to submit this report, with their sentiments on the case, to the Governor General in Council, who will thereon issue such orders as may be applicable respecting the continuance or resumption of each particular pension or allowance.

Fifth class. Allowance for *khelauts* to the *cauzy* and *moofty* at the two Eeds.

V. The *cauzy* and *moofty* of Benares, having always received *khelauts* at the two Eeds, or annual Mahomedan festivals, denominated the Eedyn, the fixed expence of such *khelauts* is to be defrayed by the collector in the usual manner.

Sixth class of pensions. Allowance to indigent and helpless persons, who formerly had assignments on the abolished *sayer*.

All the pensions in this class to lapse on the death of the holders.

VI. The sixth class of pensions consists of the allowances granted by the order of the Governor General in Council of the 11th of February 1791, and paid from the Fussily year 1200, (1792-3,) to such of the persons who formerly received pensions from the *sayer*, as from indigence, age, or helplessness, were deemed objects of real charity, under *tusheeas* or certificates, specifying that such pensions were to cease on the death of the holders. That this fund may continue to be faithfully applied to its original object, by being appropriated solely to the relief of those natives and settled inhabitants of the district of Benares, who from age, sex, or infirmity, shall be unable to provide for themselves, or earn a livelihood by their labour, it shall be the duty of the collector of Benares, to report immediately to the Board of Revenue, the demise of every pensioner on this list, and to recommend the transfer of the pension, wholly or in part, to one or more proper objects. The Board are to submit this recommendation to the Governor General in Council, with their opinion on it, and in the event of its being approved by him, they are to order the collector to grant a *tushea* or certificate for the pension under his seal and signature, bearing date from the demise of the last holder. This certificate is to specify the sex and age of the party on whom the pension may be conferred, and the motive for bestowing it on him or her, with a provision that it is to be continued only during the natural life of the holder. The aggregate of the pensions specified in this section, is not to be increased beyond the present amount of them, excepting by order of the Governor General in Council.

How to be again granted to proper objects.

Seventh class of charitable allowances defrayable from the offerings at the temple of Bindabashnee.

VII. Certain charitable allowances are likewise defrayable from the religious offerings made at the temple of Bindabashnee near to Mirzapore, the distribution of which, (as hitherto made to the parties entitled to receive it under the authority of the native judge,) is to be continued as formerly, with this alteration, that the distribution is to be made, under the orders of the Board of Revenue, and the Governor General in Council, by the collector, who is to be held responsible for the proper dispensation of the charity, agreeably to the established rules for the management of it. If any of the parties interested in this fund, shall deem themselves aggrieved by the orders of the collector, they may represent the circumstances to the judge of the *dewanny adawlut*, who is to forward the petition to the Governor General in Council, who reserves to himself the power of passing such determination on the petition as may appear to him proper.

For what future or renewed pensions the collector is to grant certificates.

VIII. For every pension which may be hereafter granted by the Governor General in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from either of the beforementioned treasuries at Benares, the collector shall deliver to the party by whom the pension is to be received, a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and the date of the grant.

Register of pensions to be kept.

IX. The collector is to keep a separate list of all pensions paid under this regulation, and is to number and register the certificates or other *sunnuds* and vouchers under which they are held, in a register in the English and Persian languages to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may detect any future attempt to transfer them to others.

Pensions to be paid monthly.

X. The annual amount of the pensions is to be issued in monthly proportions, agreeably to the practice which has hitherto prevailed in the province.

Rule for the payment of pensions exceeding fifty rupees per annum by the collector.

XI. All persons receiving pensions exceeding fifty sicca rupees per annum, are to attend the collector in person at the stated periods, to receive the amount of their respective pensions, and the collector is prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pensions to their authorized *vakeels*; but he is to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

Rule for payment of pensions not exceeding fifty

XII. All pensions not exceeding fifty sicca rupees per annum, are to be paid by the *cauzy* of the *pergunnah* in which the pensioners may reside, the collector supplying him

monthly with the funds necessary for that purpose, and furnishing him with a list of the persons entitled to such pensions. In issuing these pensions, the *cauzies* are to be guided by the same rules and restrictions as are prescribed to the collector in Section 11, respecting the pensions exceeding fifty rupees per annum, which are to be paid to the pensioners immediately by him. The *cauzies* are to take receipts from the pensioners for their respective allowances, and transmit them to the collector. They are to report to the collector the death of any pensioner, the payment of whose allowance may have been entrusted to them; and any *cauzy* who shall issue a pension without taking the prescribed precautions to ascertain that the person entitled thereto is in existence, or appropriate to his own use the allowance of any pensioner, or continue to any person not entitled thereto, the allowance of a deceased pensioner with whose demise there shall be satisfactory grounds for believing he was acquainted, shall be liable to be dismissed from his office, upon such misconduct being proved to the satisfaction of the Governor General in Council.

rupees per annum by cauzies.

XIII. In districts in which no *cauzies* are stationed, the collector is to commit the payment of the pensions not exceeding fifty rupees per annum, to the *teheildar*, or other officer of Government, who may be stationed in the *pergunnah* or village, where such pensioners may reside; or, if there be no such officer, to any trustworthy person in the neighbourhood, who may be willing to undertake the trust.

To whom the payment of pensions not exceeding fifty rupees per annum is to be committed, where no cauzies are stationed.

XIV. The determining upon the continuance of the pensions and allowances to which this regulation relates, being provided for in respect to each class, under the rules prescribed in the several sections in which they have been successively noticed, all claims to such pensions and allowances, with the exception of those specified in Section 2, are declared not cognizable in any court of judicature. But if a collector, or a *cauzy*, or any person, entrusted with the payment of pensions under this regulation, shall withhold from any pensioner the pension to which he or she may be entitled, the collector or person withholding the pension, shall be liable to be sued for such act, in the *dewanny adawlut* of the jurisdiction in which the pension may be payable; and provided proof be made to the satisfaction of the court, that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause to the satisfaction of the court for having withheld the pension, the court is to order it to be discharged, and compel the collector, or other person by whom the pension may have been withheld, to pay to the complainant such sum for costs, as may appear to it equitable.

Courts of judicature not to take cognisance of claims to pensions except under Section 2.

But they may hear complaints against a collector or any person, for withholding the payment of the pension which may have been adjudged.

A. D. 1795. REGULATION XLIII.

A REGULATION *for enacting into a Regulation, the Rules passed on the 18th February 1789, and 24th December 1790, for granting Lands to discharged native invalid Officers, and private Soldiers, in the Province of Benares.*—PASSED *by the Governor General in Council, on the 28th August 1795; corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fussily; the 14th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; and the 12th Suffer 1210 Higeree.*

Preamble.

ON the 18th February 1789, and 24th December 1790, certain rules were passed for granting lands to discharged native invalid officers, and private soldiers, in the province of Benares. The invalids to whom grants of land have been made under these rules, are dispersed in different parts of the country, receive no pay, are under no military control, and are entirely unconnected with the service. They are the tenants of the *zemindars* of whom they hold the lands, and are subject to the jurisdiction of the civil and criminal courts of judicature, in the same manner as other individuals. To secure to the holders of these grants the right and privileges which they derive under their tenures, such part of the rules above mentioned, as come within the description of the rules and orders specified in Section 2, Regulation XLI. 1793, are hereby enacted into a regulation.

Invalids allowed the portion of land herein specified, upon taking a discharge from the service.

II. Rules passed on the 18th February 1789. *First.* The invalid native troops now at Monghyr, and those who shall be hereafter invalided, who may be desirous of receiving grants of waste land, in lieu of the pay allowed to them by Government on the Boglepore establishment, upon taking a final discharge from the service, shall be entitled to the same in the following proportions, according to their ranks.

	Beeghas.
Commandants of infantry and Russaldars of cavalry,	600
Subahdars of ditto, and 1st Jemadars of ditto,	400
Jemadars of ditto, and 2d Jemadars of ditto,	200
Havildars of ditto, and 1st Duffadars of ditto,	120
Naiks of ditto, and 2d Duffadars of ditto,	100
Sepoys and Troopers,	80

Serangs, as Jemadars.
Tindals, as Havildars.
Cossobs, as Naiks.
Lascars, as Sepoys.

Second. The lands shall be granted in such villages as each individual may point out.

Lands may be granted where the invalids may point out.

Third. Should any objection occur to the resident at Benares to granting waste lands to any individual in the village which he may fix upon, he is to allot lands to him in some of the villages most contiguous thereto, and to the granting of which no objection may exist.

Exception.

Fourth. The resident at Benares is directed to make it a rule to select, as far as may be in his power, such tracts of waste land for the invalids as may be brought into cultivation with the least difficulty, and at the smallest expence, and the quality of which may be such as to afford a produce adequate to the labour of the tillage; and he is to give a preference to lands contiguous to parts of the country now in a state of cultivation, in order that the invalids

Rules to be observed in selecting lands for invalids.

valids may have an opportunity of procuring with greater facility, such assistance as may be requisite for enabling them to establish themselves upon their lands.

Original grantee to hold the lands rent free for life.

Fifth. The original grantees shall hold the lands allotted to them rent free for life, without being subjected to any tax, or demand whatever.

Sunnuds for the land by whom to be granted.

Sixth. The *sunnuds* for the lands so granted in the *zemindares* of Benares, are to be made out under the seal of the *raja*, with a *perwannah* of confirmation under the seal and signature of the resident, who is required to keep a register of all such grants, and to transmit copies thereof annually to the Governor General in Council.

Upon the death of an invalid, his lands to descend to his heirs upon the terms herein specified.

Seventh. Upon the death of the original grantee, his lands are to be continued to his heirs at law at a fixed *jumma*, to be assessed by the resident with the consent of the *raja*, upon an estimate of the neat annual produce, after deducting one tenth therefrom to be annually paid by the *mocurreree* holder to the *zemindar* as *malikanah*, or to Government, if the estate or *talooka* be *amaunee*. Such *mocurreree* holders shall thenceforward be considered upon the same footing as other persons in the province holding lands at a fixed rent.

Heirs of the invalids to receive the prescribed sunnuds, and to hold the lands whilst they discharge the *malikanah* and rent.

Eighth. The resident having fixed the rent to be paid to Government, and the amount payable to the *zemindar* as *malikanah*, or the consideration to the same amount to Government, as directed in the preceding article, shall cause *mocurreree sunnuds* to be drawn out and authenticated in the mode prescribed in clause sixth, in the name of the heirs of the deceased, who shall accordingly hold the said lands in perpetuity as long as they shall continue to discharge the rent and the *malikanah*, or the consideration to the same amount to Government, (according as the lands may be *amaunee* or otherwise,) with which they may be so assessed.

Terms on which the heirs of invalids who may die within the first five years, are to succeed to the lands of the deceased.

Ninth. If the original grantee shall die within five years from the date of the grant, his heirs shall continue to hold the lands rent free until the said period of five years from the date of such grant shall have elapsed; at the expiration of which, the lands shall be assessed and held by them as directed in the two preceding clauses.

Consequences ensuing from the non-payment of the rent or *malikanah*.

Tenth. Should any of the *mocurreredars* aforesaid omit to discharge the amount of the Government's rent and the *malikanah* payable to the *zemindar*, or the consideration to Government, (according as the lands may be *amaunee* or otherwise,) their *mocurreree* leases, with the rights and privileges thereto annexed, are to be sold to the best bidder for the liquidation of the amount of the demands against them.

Gratuity in money to be granted to invalids.

Eleventh. In order that the men who may be placed on this establishment may be the better enabled to provide themselves with the implements of husbandry, and the means of cultivating the lands assigned to them, a gratuity in money shall be granted to them in the following proportions:

To each rank entitled to receive 600 Beeghas,	Sa. Rs.	150
Do. do.	400 do.	100
Do. do.	200 do.	50
Do. do.	120 do.	30
Do. do.	100 do.	20
Do. do.	80 do.	15

Landholders not to be subject to the payment of any increase of revenue to Government for the rent herein specified.

Twelfth. Rule passed on the 24th December 1790. To obviate any objections which the landholders may entertain to the allotment of waste lands to invalids, the whole amount of the fixed *jumma* to be assessed upon such lands after the death of the original grantee, shall belong to the proprietor of the village in which such lands may be situated, and he shall not be subject to any additional demand on the part of Government on account thereof, during the term of the engagements that may exist between him and Government, at the time that the lands so granted may become liable to the payment of such *jumma*.

Annual register to be forwarded by the collector.

III. The annual register directed in clause sixth, to be kept by the resident and forwarded to the Governor General in Council, is from the date of the abolition of the residency, to be prepared by the collector, and forwarded by him to the Board of Revenue.

No lands to be granted in future under the foregoing articles.

IV. No provision in land shall be granted to invalids in future under the rules contained in Section 2, which are to be considered as applicable to such grants only as have been already made in conformity to them.

A. D. 1795. REGULATION LVI.

A REGULATION *for allowing the Heirs of Invalids in the Provinces of Bengal, Behar, and Orissa, to hold their Land rent-free, to the Expiration of the tenth Year from the Date of the original Grantee's being put in Possession, in case of his dying within ten Years from such Date; and for providing for the Absence of Invalids from their Thanas in the said Provinces at the time of Inspection, in consequence of Permission, or from Sickness, or other unavoidable Cause.*—PASSED *by the Governor General in Council, on the 1st September* 1795; *corresponding with the* 18*th Bhadoon* 1202 *Bengal era; the* 2*d Bhadoon* 1202 *Fussily; the* 18*th Bhadoon* 1202 *Willaity; the* 2*d Bhadoon* 1852 *Sumbut; and the* 16*th Suffer* 1210 *Higeree.*

Preamble.

BY *clause seventh, Section* 5, *Regulation XLIII.* 1793, *it is directed to be made a stipulation in the leases which have been or may be obtained from any* zemindars *or other proprietors for lands to be allotted to the invalids under the conditions contained in that section, that if the original grantee shall die within seven years from the date of his being put in possession of his lands, his heirs shall continue to hold them rent-free until the expiration of such period of seven years, from which time the lands are to become subject to the conditions in clauses fifth and sixth, of the abovementioned section of the said regulation, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding seven years; and by Section* 8, *of the same regulation, this rule is made applicable to cases in which the grants may form part of lands the property of Government. It having been deemed proper, however, in consideration of the peculiar disadvantages to which invalids must often be subject, in bringing their lands into cultivation, from want of skill, or from bodily infirmity, and the consequent necessity of employing persons to cultivate their lands at a heavy expence, to extend the period for which such lands are to be so held free of rent, to ten years, in order to ensure to the heirs of invalids the full benefit which it was intended they should derive from the grants; and it often occurring that invalids are absent from their* thanas *at the period of inspection, by permission, or from sickness, or other unavoidable cause; and doubts having arisen whether invalids so circumstanced, are not subject to the operation of the rule in Section* 30, *Regulation XLIII.* 1793, *which directs that invalids not present at their respective* thanas *at the periods of inspection and payment of the proportion of their pay which Government may continue to them in addition to their provision in land, shall be struck off the establishment; the following rules have been enacted.*

Heirs of invalids who die within ten years from the date of their grants, to hold the lands free of rent to the expiration of the ten years from such date.

II. First. *The rule in clause seventh, Section* 5, *Regulation XLIII.* 1793, *is hereby rescinded, and from the date of the receipt of this regulation in the several* zillahs *and cities, and in all cases in which any lands, whether the property of Government, or of individual proprietors, may be assigned to invalids after such date, it shall be made a condition of the grant, that if the original grantee shall die within ten years from the date of his being put in possession of the lands, his heir shall continue to hold them rent-free, until the expiration of such period of ten years, from which time the lands are to*

* The whole of this regulation is rescinded by Section 2, Regulation I. 1804.

become

If the land be the property of an individual zemindar, and the lease shall have been obtained from him prior to the receipt of this regulation in the several zillahs and cities, Government shall indemnify the proprietor for the loss he would sustain by the rule in the preceding clause.

Government to remit their claim of proprietor of the land.

Invalids absent from their thanas *at the period of inspection, on leave, or from any unavoidable cause, not liable to be struck off from the establishment.*

become subject to the conditions specified in clauses fifth and sixth, Section 5, Regulation XLIII. 1793, *in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding ten years.*

Second. *In cases in which an original grantee whose lands were obtained from a proprietor on lease during the time when clause seventh, Section 5, Regulation XLIII.* 1793, *was in force, shall die subsequent to the expiration of seven years from the date of his grant, and previous to the expiration of ten years from such date, Government will indemnify the proprietor for the amount which he would have been entitled to receive if the said clause had remained in force. If the grant shall form a part of land the property of Government, the Governor General in Council will relinquish to the heir the amount which would have been demandable from him under the said clause.*

III. The clause in Section 30, *Regulation XLIII.* 1793, *which declares that the invalids, who shall not be present at their respective* thanas *at the periods of inspection and payment of the proportion of their pay which Government may judge it proper to continue to them in addition to the provision in land, shall be struck off the establishment, is declared not to extend to those invalids who may be absent at such period with permission, or from sickness, or other unavoidable cause, that may appear satisfactory to the regulating officer, or in his absence, to his assistant.*

A. D. 1804. REGULATION I.

A REGULATION *for the better Management of the Invalid Jaghiredar Establishments, and of the Invalid Pension Establishments.*—PASSED *by the Governor General in Council, on the* 23*d of February* 1804; *corresponding with the* 13*th Phaugun* 1210 *Bengal era; the* 28*th Phaugun* 1211 *Fussily; the* 13*th Phaugun* 1211 *Willaity; the* 13*th Phaugun* 1860 *Sumbut; and the* 11*th Zekaad* 1218 *Higeree.*

Preamble.

WHEREAS it has been deemed to be expedient to revise the existing rules for the management of the invalid *jaghiredar* establishments, and also of the invalid pension establishments, His Excellency the Governor General in Council has been pleased to pass the following rules.

Regulation XLIII. 1793, and Regulation LVI. 1795, rescinded.

II. Regulation XLIII. 1793, and Regulation LVI. 1795, with the exceptions hereafter mentioned, are hereby declared to be rescinded, and the following rules are enacted, to take effect from the present date.

Exceptions.

To what *zillahs* the establishment of invalid villages, and the appropriation of lands for their support, are to be confined.

No *thana* shall be established without the previous sanction of Government.

Board of Revenue vested with the general superintendence of invalid and pension establishments.

Immediate superintendence committed to officers denominated regulating officers.

Districts where they are to be stationed.

Regulating officers to be subject to the orders of the collectors, and the Board of Revenue.

All matters to be submitted to Government through the collectors and the Board of Revenue.

Proportion of lands to be granted to invalids.

III. The establishment of villages for invalids, and the appropriation of the lands for their support, shall be henceforth confined to the *zillahs* of Behar, Shahabad, Sarun, Tirhoot, Boglepore, and Chittagong; and no *thana* shall be hereafter established without the previous sanction of the Governor General in Council, to be obtained through the Board of Revenue.

IV. The general superintendence of the invalid *jaghire*, and pension establishments is hereby vested in the Board of Revenue.

V. The immediate superintendence of the invalid *jaghire* establishments shall be entrusted to officers, who shall be denominated regulating officers. One officer shall be appointed to superintend the *jaghire thanas* in the *zillahs* of Boglepore, and Tirhoot: One officer shall be appointed to superintend the *thanas* in the *zillah* of Behar: One officer shall be appointed to superintend the *thanas* in the *zillahs* of Shahabad and Sircar Sarun: and one officer shall be appointed to superintend the *thanas* in the *zillah* of Chittagong.

VI. The regulating officer in each district shall be subject to, and shall act under the orders of the collector and of the Board of Revenue; and all matters relative to the duties of the said officers which it shall be proper to submit for the information or orders of the Governor General in Council, shall be communicated by the collector of the *zillah* to the Board of Revenue, who shall submit the same to the Governor General in Council.

VII. The following are the proportions of lands, which shall be granted to the several descriptions of invalids:

A subadar of infantry and cavalry,	100 Beeghas.
A jemadar of infantry and cavalry, and sarang,	50
Havildar of infantry and cavalry, and tindal,	30
Naik and cossob,	25

Collector to select lands for invalids on notice given to him.

VIII. On notification being made to the collector of the number and description of invalids admitted on the *jaghiredar* establishment, the collector shall immediately proceed to select and obtain the quantity of land required for them in the manner and upon the conditions hereafter specified.

Collector to make proposals in writing to the proprietors of lands selected for the invalids, containing the following stipulations.

IX. *First.* When a collector shall have received information of a spot of waste land, calculated for the purpose of establishing a *thana;* or for the accommodation of an invalid, in one of the *thanas* already established; he shall make a proposal in writing to the proprietor of the land to take a lease of it in portions or entire, according as it may be wanted for one or more invalids, on the part and in the names of the invalids respectively, and on the terms specified in the following articles.

Land to continue the property of the proprietor, and not to be separated from his estate.

Second. Art. 1*st.* The land shall continue the property of the *zemindar* or other proprietor, and shall not be separated from his estate.

Pottah to include the *julkur*, *bunkur*, and *phulkur*.

Third. 2*d.* The *pottah* or deed of lease, shall include the *julkur*, *bunkur*, *and phulkur*, or all trees and the produce of them, fisheries and pasture land.

Land to be held rent free by the invalids during their lives, and to devolve to their heirs.

Fourth. 3*d.* The invalids shall hold the land free of rent, or any demand whatever during their lives; and after their decease the land shall devolve to their heirs.

Heirs of invalids for the first five years after coming into possession, shall pay *malikanah* to the *zemindar*.

Fifth. 4*th.* The heirs of invalids, for the first five years after they shall come into the possession of land, shall pay to the *zemindar* a sum equal to one-tenth of the produce of the land as *malikanah*.

The *malikanah* to cease after five years, and the land to be assessed in the proportion of two-fifths of the annual produce.

Sixth. 5*th.* After the expiration of the period of five years, the payment of *malikanah* shall cease, and the proprietor of the land shall be entitled to rent in the proportion of two-fifths of the annual produce, whether it be in kind or in money, as may be agreed on between the parties concerned in the adjustment. This rent shall not be liable to any variation, and shall be paid to the *zemindar*, or other proprietor.

Terms upon which heirs of invalids who die within seven years, are to hold the lands.

Seventh. 6*th.* If the original grantee shall die within seven years from the date of his being put in possession of his lands, his heir shall continue to hold them rent-free until the expiration of such period of seven years, from which time the lands shall become subject to the rules contained in the two preceding articles, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding seven years.

How lands of invalids dying without heirs are to be disposed of.

Eighth. 7*th.* If an invalid shall die without heirs, it shall be left to the option of a fresh man coming upon the establishment, to supply his place in the *thana*, upon such fresh man agreeing to take the lands upon the terms to which he would have succeeded to them, had he been the heir of the deceased. If no fresh man will agree to take the lands upon these terms, the lands shall revert to the *zemindar* or other proprietor, who shall be entitled to dispose of them in such manner as he may think proper.

In what cases and to whom the heirs of invalids are to be at liberty to dispose of their lands.

Ninth. 8*th.* If an invalid shall die and leave heirs who are not willing to receive the lands upon the foregoing terms, or are incapable of cultivating them, the heirs shall be allowed to dispose of their rights to any of the invalids belonging to the *thana*, the purchaser becoming subject to all the conditions in the articles regarding such heirs.

Heirs of invalids liable to forfeit their lands, if they neglect to cultivate them for one year.

Such lands to be transferred to some other invalid, or to revert to the proprietor.

Tenth. 9*th.* If an heir to a *jaghire* shall without reasonable cause leave the land uncultivated for one year after he may claim it, and shall have been ordered to be put into possession, the land shall be deemed forfeited, and shall be transferred to any other invalid, or heir or successor of an invalid, who will take it upon the same terms as he would have been entitled to hold it had he been the heir of the deceased. In the event of no invalid agreeing to take the *jaghire* upon the above terms, the *jaghire* shall revert to the *zemindar* or other proprietor, as in the cases provided for in the seventh article.

Rules regarding arable lands not brought into cultivation by the time they become liable to assessment.

Eleventh. 10*th.* Upon the arrival of the period for assessing lands which shall have devolved to the heirs or successors of invalids, such parts of the lands as might have been cultivated, and are not brought into cultivation, shall be resumed; and the *zemindar* or other proprietor shall be at liberty to grant *pottahs* for them to whomsoever he shall think proper, unless the person who shall have omitted to cultivate them, shall enter into an engagement to bring them into cultivation in the course of one year, calculating from the

commencement of the year in which they became liable to the final assessment, and in all future years, to pay for them as cultivated lands.

Twelfth. 11*th.* The *malikanah*, and rent to which the lands are declared liable in the fourth and fifth articles, shall be recovered from the incumbent in the same manner as from his other renters and *ryots*. No increase of revenue shall be levied from the *zemindar* or other proprietor, on account of the rent or *malikanah*, which shall become payable to him from the lands of the invalids.

Malikanah and rent how to be collected.

No increase of revenue to be levied on account thereof.

Thirteenth. 12*th.* Whenever an invalid, or his heir or successor, shall be put in possession of a *jaghire* previous to its being charged with the permanent assessment, the regulating officer shall obtain from the proprietor, through the collector, a separate *pottah* for such person, which shall express the terms on which he is to hold the land, as specified in the preceding articles. When a *jaghire* shall become liable to the permanent assessment, the regulating officer shall obtain from the *zemindar*, or other proprietor, through the collector, a *pottah* in the name of the possessor, specifying the rate of the rent or assessment; the quantity of land; the boundaries of it; and the terms of the tenure as above defined.

Pottah to be obtained from the proprietor for invalids, &c. on being put in possession of their lands, or on such lands becoming liable to assessment.

Fourteenth. 13*th.* The *zemindars* or other proprietors, shall be allowed to station a *mutsuddie* in the *thanna*, to take copies of the accounts of the rent and *malikanah* which may become due to them, and to inform them of every infringement of the terms, under which the lands in the *thanas* are held, as specified in the agreement between them and the *zemindar* or proprietor.

Proprietor to station an agent at each *thana*, to keep accounts of the rent and *malikanah*, and to take care of his interests.

Fifteenth. 14*th.* Whenever all the lands included within the limits of a *thana* shall have become liable to the permanent rent or assessment specified in the fifth article, Government shall withdraw the authority of the regulating officer, and the *thana* shall be considered to be upon the same footing as other villages in the *zemindarees* or estate; the heirs and successors of the original grantees continuing to hold their lands upon the terms specified in their *pottahs*.

The authority of the regulating officer to be withdrawn, when all the lands in a *thana* shall become liable to a permanent assessment, and the *thana* to be considered upon the same footing as other villages in the *zemindarees*.

Heirs and successors of original grantees to hold the land according to their *pottahs*.

Sixteenth. 15*th.* After the officers of Government shall have been withdrawn from a *thana* in the case specified in the fifteenth article, if an invalid, or his heirs or successors, shall die without heirs and intestate, the *jaghire*, or such parts of it as may have been held by the deceased, shall devolve to the *zemindar* or proprietor, who shall be at liberty to grant a *pottah* for it, or to dispose of it to such person, and upon such terms, as he may think proper.

In what case the *jaghire* is to devolve to the *zemindar*, who shall be at liberty to dispose of it, as he may think proper.

Seventeenth. 16*th.* Any other stipulations which shall be made between the invalids and the *zemindar*, or other proprietor of land, shall be binding on the parties. All differences between the *zemindar*, or other proprietor, and the invalids, or their heirs or successors, respecting the nature of the invalid tenures, shall be decided in the *dewanny adawlut* of the *sillah*.

Any other stipulations made between invalids and *zemindars*, shall be binding on the parties.

All differences respecting the nature of the tenures to be decided in the Dewanny Adawlut.

X. If the estate, or any part of the estate of a *zemindar* or other proprietor, in which lands leased to invalids under this regulation shall be situated, shall be disposed of at public sale, or be transferred, or devolve in any manner to any other person, neither the lease nor the terms of the tenures of the invalids, or their heirs or successors, shall be in any respect affected; but the new proprietor shall be bound by the terms of the deeds in the same manner, as the proprietor who granted them would have been, had he retained the property, notwithstanding any thing that may be expressed to the contrary in Regulation XLIV. 1793, or any other regulation passed on the 1st May 1793, or on any subsequent date.

Persons succeeding to an estate, or a part of it, in which any lands may have been leased to Government under this regulation, to abide by the terms of the lease.

XI. Whenever invalids shall be established upon lands the property of Government, they shall hold the lands of Government upon the same terms as invalids settled upon lands belonging to *zemindars*, or other proprietors of land paying revenue to Government, or upon such other terms as the Governor General in Council shall judge it proper to prescribe, previous to establishing the invalids upon the lands.

Invalids to hold lands the property of Government, upon the same terms as those of individuals.

XII. Widows being heiresses to the *jaghires* of their husbands, shall be allowed to marry whom they please without forfeiture of their *jaghires*, which, after their death, shall devolve to their heirs at law.

Widows being heiresses may re-marry without forfeiting the *jaghires*, which are to devolve to their heirs at law.

Regulating officer to settle as far as possible by his advice all internal affrays, differences, and claims.

XIII. It shall be the duty of the regulating officer to settle, as far as he may be able by his advice and admonitions, all internal affrays, differences, and claims, which may arise between the invalids themselves, and between them and other inhabitants of the district, in such manner as shall be deemed equitable; leaving the parties, if his endeavours prove ineffectual, to have recourse to the established courts of justice. Provided however, that the rule contained in this section shall not be construed to empower the regulating officer, to exercise any authority whatever without the limits of the *thanas* under his charge.

Vakeels of Government to plead the causes of invalids free of cost on the requisition of the collectors.

XIV. To prevent invalid *jaghiredars* from being harassed with law suits, and to enable them to defend or prosecute suits in the courts of civil judicature, without being obliged to attend in person, or being subjected to trouble and expense, it shall be the duty of the *vakeel* of Government, on the requisition of the collector, to plead the causes of such invalids free of cost.

Process of civil and criminal courts, to be current in the invalid *thanas*.

Invalids and all inhabitants of the *thanas* to pay obedience thereto, under pain of fine or other punishment.

Jaghires not to be assigned as security for money borrowed by invalids, nor be answerable for debts contracted by them; *jaghires* devolving to heirs of invalids, to be answerable for debts contracted by such heirs.

Distribution of lands to be made by the regulating officers under the orders of the collector.

Courts of judicature not to interfere, nor receive complaints regarding such distribution.

Invalids to be present at the period of inspection, under pain of being struck off the establishment.

Courts of judicature not to receive any complaints from invalids so struck off on that account.

Rules in Section 9, to be considered immediately applicable to lands, which shall be henceforward granted to invalids.

The collectors to new model the *thanas* already established.

To extend this rule to the heirs and successors of invalids.

Nothing contained in this section shall be construed to annul or set aside any of the rights of the *jaghiredars* or the proprietors of land under any existing engagements or rules in Regulation XLIII. 1793, and Regulation LVI. 1795.

XV. The process of the civil and criminal courts of judicature and of the police officers shall be current, in the invalid *thanas*, in the same manner as in other parts of the country; and the invalids and all inhabitants of the *thanas*, shall observe a strict obedience thereto, under pain of paying such fine or suffering such punishment, as the courts are empowered by any regulation passed and printed in the manner directed in Regulation XLI. 1793, to impose or inflict on persons disobeying or resisting their process.

XVI. *Jaghires*, whilst possessed by invalids, shall not be assigned as security for money borrowed by them, nor be answerable after their decease for debts contracted by them. But when *jaghires* shall devolve to the heirs or successors of invalids, such *jaghires* shall be answerable for debts contracted by such heirs and successors.

XVII. The distribution of the lands in *thanas* shall be made by the regulating officers, under the orders of the collector, agreeably to the instructions with which they shall be furnished; and the courts of judicature shall not interfere in any manner, or receive any complaints or representations whatever, regarding such distribution.

XVIII. The invalids shall be present at their respective *thanas* at the periods of inspection, in failure of which they shall be struck off the establishment, excepting in cases in which the invalids shall be absent with permission, or from sickness, or other unavoidable cause which shall appear satisfactory to the regulating officer and to the collector. The courts of judicature shall not receive any complaints or representations which shall be presented to them by any invalid for having been struck off the establishment under this section.

XIX. The rules contained in Section 9, shall be considered to be immediately applicable to such lands as shall henceforward be granted to invalids. With a view however to ascertain and fix the tenure of the occupants, and to protect the rights of the proprietors; and to establish, as nearly as may be practicable, an uniformity of system throughout the invalid *thanas*; the collectors shall endeavour to conclude agreements with the *zemindars*, rendering all lands now held by invalids, (excepting the lands granted to invalids under the regulations of the 18th February 1789,) subject to the conditions specified in Section 9. of this regulation. It shall likewise be the duty of the collectors to new model the *thanas* as far as relates to the proportions of land, and to fix for each invalid now on the establishment, the *quota* of land assigned for his rank by Section 7. The collectors shall also extend this rule to the heirs and successors of invalids, who have come into possession of *jaghires*; resuming both from invalids and from the heirs and successors of invalids, whatever quantity of land shall appear to have been granted to them exceeding that proportion; excepting where the occupants have brought into cultivation a larger quantity of land than is now fixed for their respective ranks, or for the ranks of their ancestors and predecessors; in which cases the occupants shall not be deprived of any part of the land, which is in actual cultivation, but shall continue to possess the whole under the conditions above prescribed. Provided however that nothing contained in this section shall be construed to annul or set aside any of the rights of the *jaghiredars*, or of the proprietors of the land, under any existing engagements, or under the rules contained in Regulation XLIII. 1793, and Regulation LVI. 1795, until the arrangements prescribed in this section shall, with the consent of the *zemindars* concerned, have been carried into complete effect.

XX. Whenever a new* thana *shall be ordered to be established, or whenever land adjacent to any existing* thana *shall be required for invalids, the land shall be completely cleared by the collector of the* zillah. *The collector's estimate of the expense of clearing the land shall include the digging of the necessary wells, the making the necessary embankments or water courses, and every requisite work for rendering the land fit for immediate cultivation. When the land shall be nearly prepared, the collector shall give notice to the commandant of Allahabad, or other officer in charge of the invalids for the purpose of having the proper number of native officers despatched to occupy the land. The collector's bill for clearing the ground shall be submitted, when the work shall have been finished, to the Governor General in Council through the channel of the Board of Revenue.*

Lands required for the thanas *to be cleared by the collector, and a bill for the expense to be submitted to Government through the Board of Revenue.*

XXI. *First.* The land required for the residence of an invalid, and comprehended within the boundary of his house, garden, and offices, shall be included under a distinct head in the *pottah* for his *jaghire*, and the rate which he is to pay for this portion of land shall be fixed by the collector at two-thirds of the usual rates of the district for such land.

Particulars which are to be specified in the *pottahs* for invalid *jaghires*.

Second. Any land which shall be required in each village for roads, wells, or other public purposes, shall be purchased by Government, and shall be bestowed on the *thana* gratis; the amount of the purchase money shall be inserted in the contingent bill of the collector.

Lands required for roads, &c. to be purchased by Government and bestowed on the *thana* gratis.

XXII. First. *All native commissioned and non-commissioned invalid officers not fit for garrison duty, shall be allowed the option of being transferred to the* jaghirdar *establishment*, or of retiring to any villages in the Company's dominions, with the reduced pay of their respective ranks, as follows:

Subadar of Cavalry and Infantry,	Rs. 18	0
Jemadar of do. do.	7	0
Havildar, do. do.	4	8
Naick, do. do.	4	0
Sarang	6	0
Tindal,	4	0
Cossub	3	8

Native commissioned and non-commissioned invalid officers shall be allowed the option of retiring on reduced pay, *or of being transferred to the* jaghirdar *establishment.*

In the former case the invalids shall not be considered to be entitled to the reduced pay of their rank, nor to any other pecuniary allowance from Government.

Second. All such native commissioned and non-commissioned officers, as shall choose to retire to their own villages, instead of being transferred to the *jaghirdar* establishment, shall receive an allowance of six months full invalid pay to enable them to retire to their homes, which advance shall be made to them under the orders of the officer commanding at the station where the invalids assemble.

Officers who shall choose to retire to their own villages shall receive an advance of six months full invalid pay.

Third. All privates being invalids, and not fit for garrison duty, shall be allowed the same indulgence of six months full invalid pay in advance, with liberty to reside where they please, on the reduced pay of their rank during their respective lives, which advance shall be made to them under the orders of the officer commanding at the station where the invalids assemble; but such privates shall not be eligible to the *jaghirdar* establishment, except in particular cases to be determined by the Governor General in Council. The following is the reduced pay of the different classes of privates:

Upon what conditions the like indulgence shall be granted to the private invalids.

Trooper,	Rs. 3	0
Sepoy,	3	0
Drummer,	3	0
Trumpeter,	3	0
Bhester,	3	0
Lascar,	2	12

When lands may be allowed to privates, in special cases, under the authority of the Governor General in Council, each private shall receive twenty *beeghas*, unless grants to a greater extent should be made to such privates by that authority.

* The parts of this clause in the italic type are superseded by Section 2. Regulation II. 1811.

Native commissioned, non-commissioned, and private invalids not admitted on the *jaghirdar* establishment, but admitted on the pension establishment, to be furnished with a descriptive roll addressed to the collector.

XXIII. Every native commissioned, non-commissioned and private invalid, not admitted on the *jaghirdar* establishment, but admitted on the pension establishment, shall, on being allowed to retire on reduced pay, receive a descriptive roll, addressed to the collector of the district, specifying the name, age, and height of the invalid; the place at which he was born, as well as that at which he may choose to reside; the period of his services, and in what regiment or regiments he may have served; his wounds, if he shall have received any, and any corporal peculiarities, or marks, tending to identify his person: copies of these rolls shall be regularly forwarded to the military auditor general

The presentation of such roll to the collector shall entitle the invalid pensioner or his heirs to his reduced pay to the time of his death.

XXIV. The half yearly or annual presentation of this roll to the collector of the district, to whom it is addressed, shall entitle the invalid pensioner, to receive the reduced pay of his rank, and on the receipt of the roll, after his death, the collector shall pay to his heirs or other person properly empowered to receive the amount of the arrears which may have been due, at the time of his decease.

The invalid pensioner to execute a receipt for each payment, which the collector is to transfer to the military auditor general, for audit.

On the death of the pensioner, the collector to transmit his descriptive roll to the same officer, noticing the amount paid to the heirs of the deceased.

XXV. At every half yearly or annual payment, the invalid pensioner shall give a receipt for the amount of pay then due to him, which shall be transferred by the collector to the military auditor general for audit, by whom it shall be returned to the collector, and received as a voucher, by the accountant general, to be charged in the military department. After the decease of an invalid pensioner, the collector shall transmit his descriptive roll to the military auditor general, having first noticed upon it, the amount of arrears paid to the heirs ofthe deceased.

Pensioner to be struck off the list when the voucher is not produced within twelve months.

And not again admitted without the orders of Government.

XXVI. Whenever a voucher of a pensioner's existence shall not be furnished within twelve months from the date of his last receipt of pay, he shall be struck off the roll of the collector, and shall not be again admitted without the orders of Government.

Section 33, Regulation XLIII. 1793, to continue in force.

XXVII. Section 33, Regulation XLIII. 1793, is hereby declared to remain in force.

A. D. 1806. REGULATION XXII.

A REGULATION *for modifying the Rules hitherto observed in the Admission and Payment of Claims to Pensions.*—PASSED *by the Governor General in Council, on the* 18*th December* 1806; *corresponding with the* 5*th Poose* 1213 *Bengal era; the* 22*d Aughun* 1214 *Fussily; the* 5*th Poose* 1214 *Willaity; the* 8*th Aughun* 1863 *Sumbut; and the* 6*th Showaul* 1221 *Higeree.*

Preamble.

WHEREAS under the provisions contained in Regulation XXIV. 1803, (extended by Section 17, Regulation VIII. 1805, to the conquered provinces situated within the Doosb, and on the right bank of the river Jumna, and to the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah,) the collectors are authorized to decide on claims preferred to pensions received under the former Government, to the amount of one hundred sicca rupees per annum; and whereas it is expedient that such claims should not be admitted without the confirmation of the Board of Revenue; and whereas the same principle requires that the rule contained in Section 5, Regulation XXIV. 1793, (extended to Cuttack, by Regulation XII. 1805,) should likewise be revised and amended; and also, that provision should be made for the commutation of pensions, in certain cases, for grants of waste land, to be held free of assessment; the following rules have been enacted; to be in force from the time of their promulgation throughout the provinces immediately dependant on the presidency of Fort William.

Claims to pensions not exceeding 100 rupees per annum, in the ceded and conquered provinces, to be enquired into by the collectors under Regulation XXIV. 1803, and their proceedings thereon transmitted for the final decision of the Board of Revenue.

II. Whenever claims may be preferred by individuals in the provinces ceded to the Honorable Company, by His Excellency the Nawaub Vizier, or in the province of Bundlecund, or in the conquered provinces lying on the right and left bank of the river Jumna, to pensions received under the former Government, not exceeding sicca rupees one hundred per annum, whether under the title of *roseena* or any other designation, the collector shall make the necessary inquiry into the validity of the claimant's title to the pension under the rules contained in Regulation XXIV. 1803. Previously however to the final admission of any claims of that description, the collector shall submit the proceedings held by him, accompanied with his sentiments on the subject, to the Board of Revenue, who on a consideration of the circumstances of the case, shall decide finally, with reference to the principles stated in Regulation XXIV. 1803, whether the claim to the continuance of the pension in question should be admitted or otherwise.

The principle of the foregoing rule to be in force in the lower provinces with respect to pensions not exceeding fifty rupees per annum.

Section 5, Regulation XXIV. 1793, and Section 17, Regulation XXIV. 1803, superseded by the above rule.

III. The principle of the foregoing rule shall likewise be considered to be in force in the provinces of Bengal, Behar, Benares, and Orissa, including Cuttack. The collectors therefore in those provinces, instead of deciding by their own authority upon claims to pensions not exceeding fifty rupees, under the rule which has hitherto existed with respect to that point, shall submit their proceedings, in the manner above stated, to the Board of Revenue, for their final decision on the subject. This rule of course supersedes the provisions contained in Section 5, Regulation XXIV. 1793, and in Section 17, Regulation XXIV. 1803, under which any person having a claim to a pension not exceeding the sum above specified, which may have been rejected by the collector, and by the Board of Revenue, are empowered to bring the case by appeal before the Governor General in Council.

The foregoing rules not to affect decisions already regularly passed by the collectors.

What information to be transmitted to the civil auditor by the collectors, to facilitate the audit of the sums charged by them for pensions.

IV. It is not intended by the foregoing rules, to rescind, or otherwise to affect any decisions already regularly passed by the collectors, or by their predecessors, in any part of the country, upon claims preferred to the continuance of pensions in their respective districts, not exceeding the sums above specified; but the several collectors are hereby required to transmit to the civil auditor, within three months from the present date, a list of the several pensions adjudged by them, or their predecessors, under the rules hitherto observed, with reference to the monthly abstracts submitted by them to the Board of Revenue, in pursuance of Section 6, Regulation XXIV. 1793, and Section 18, Regulation XXIV. 1803; and the auditor shall be guided by such lists (after comparing them with the monthly abstracts referred to) in auditing the sums charged by the collectors on account of pensions of the above description, admitted previous to the promulgation of this regulation. In order likewise to facilitate the general audit of pensions, the collectors shall furnish the civil auditor, within the above-mentioned period of time, with a separate list of authorized pensions payable in their respective districts, exceeding the sums above specified, including reference to the orders of Government, by which such pensions have been sanctioned; and the auditor shall be guided by such lists (after comparing them with the authorities quoted) in the future audit of those pensions; applying however to the Board of Revenue, for more particular information, in cases in which he may entertain any doubts on the subject.

Civil auditor to be informed of the continuance of all pensions hereafter authorized by the Board of Revenue under this regulation, or by Government.

V. Whenever the Board of Revenue may hereafter authorize the continuance of any pensions not exceeding the sums specified in Sections 2. and 3, of the present regulation, they shall furnish the civil auditor with the necessary information on the subject; and no pensions of the above description, shall in future be considered to be authorized, excepting such as may have been confirmed by the Board of Revenue. In like manner, the civil auditor will be informed by order of Government, of any pensions exceeding the sums above specified, which may be authorized by the Governor General in Council.

Collectors to furnish any further information required by the civil auditor.

VI. The several collectors are hereby required to furnish the civil auditor with any further accounts or information which he may require respecting the pensions payable in their respective districts, and to adhere to any forms with which he may furnish them for preparing the above, or any other reports which may be required on the subject, by that officer.

Rules under which the Board of Revenue are to determine upon the continuance of lapsed pensions not exceeding the sums above specified.

VII. Whenever a person in whose favour a pension, not exceeding the sums above specified, has been or may be adjudged, shall die; it shall be left to the Board of Revenue to determine, after receiving the report of the collector, whether the said pension or any part of it shall be continued to the heirs and successors of the deceased; but in the exercise of this power, the Board of Revenue is hereby required to ascertain particularly, the situation and circumstances of the party claiming the continuance of the pension, and not to comply with any applications of that nature, unless on the ground of poverty, or for other substantial reason, the party claiming the pension shall have a strong claim on the indulgence of Government. All applications for the continuance of pensions exceeding the sums above specified, are to be reported, agreeably to the rule at present in force, to the Governor General in Council, for his orders.

Applications for the continuance of pensions exceeding those sums to be reported to Government as at present.

Cautions to be observed by the collectors as to the persons at present receiving pensions.

VIII. The collectors of the revenue are hereby required to make it a particular object of their attention to ascertain, whether the persons at present receiving pensions, are the individuals to whom the pensions were originally adjudged; and in those cases in which it may appear that the individuals to whom the pensions were adjudged are dead, to discontinue the payment thereof, until it shall have been determined under the preceding rules, whether the said pensions, or any part thereof, should be continued to their heirs and successors, or otherwise.

Pensions to be in all practicable cases commuted for grants of waste land rent free.

IX. It being declared in the regulations, that pensions, with the exception of those specified in Section 2. and 3, Regulation XXIV. 1803; and in the latter part of Section 30, Regulation XII. 1805, are gratuitous; and that the continuance or discontinuance of them is to depend upon the pleasure of Government; the pensions at present received, shall in all practicable cases, be commuted for grants of waste land, to be held by the grantees, and their posterity, in perpetuity, free of assessment: Provided, however, that no pensions shall be so commuted during the life of the persons by whom they are at present received, (in case they have been regularly investigated and adjudged) except with their own consent.

Provided also, that pensions granted for, and *bonâ fide* appropriated to the support of institutions, either of the Hindoo, or Mahomedan religion, shall be continued for the support of such institutions; unless the present incumbents, or their successors, shall of their own free will and accord, agree to accept grants of waste lands, to be held free of assessment, under a permanent tenure, in lieu of the said pensions. Provided, moreover, that no pensions which are declared to be hereditary, either by the terms of the grant, or by any existing regulation, shall be so commuted without the consent of the present pensioners, or their successors.

Provisions as to certain pensions which are not to be so commuted without the consent of the parties.

X. Whenever a pensioner may die, or may be desirous of commuting the pension received by him for a grant of waste land, it shall be the duty of the collector to ascertain and report, where lands capable of cultivation, and conveniently situated, with reference to the person to whom they are to be granted, can be obtained for that purpose. If it be intended to make the proposed grant within the limits of the district in which the pension may have been hitherto paid, the collector will of course have ample means of obtaining the necessary information on the subject, from his own records, and through the channel of his own officers. If it be intended to make the proposed grant in any other district, the collector shall apply to the collector of that district, for the necessary particulars on the subject; and in either case, shall report the result to the Board of Revenue.

Measures to be adopted by the collectors preparatory to such commutations.

XI. Whenever the Board of Revenue may be of opinion, on a consideration of the reports above noticed, and of any further information which they may require from the collectors, that it would be advisable, under the provisions and restrictions stated in the two preceding sections, to commute any of the pensions at present receivable for grants of waste land, (whether such pensions exceed, or fall short of the sums specified in Sections 2. and 3. of this regulation,) they shall report their sentiments on the subject to Government, accompanied with the draft of a *sunnud* for the grant in question, to be signed, if approved, by the chief secretary of Government, or by the secretary in the revenue and judicial department, by order of the Governor General in Council, in framing which grants, the Board of Revenue shall particularly attend to the purposes for which the grants are made, and to the wishes of the grantees in regard to the form and title of the deeds.

Board of Revenue to report such cases to Government, and to submit a draft of the proposed *sunnud* for the signature of the chief secretary, or the secretary in the revenue and judicial department.

XII. In ordinary cases, the quantity of land shall be such, that the annual net rent produce of it, when brought into cultivation, may be equivalent to the annual amount of the pension. The Governor General in Council, however, reserves to himself the power of increasing or diminishing that quantity, as the situation of the parties and other circumstances may suggest. The Governor General in Council will likewise authorize, in addition to such grants of land, the payment of a sum of money to enable the grantee, with greater facility, to bring the lands into cultivation; Provided, however, that such sum shall not in any case exceed the amount of the pension, in commutation of which the land has been granted, for one year.

General rule as to the quantity of land to be so granted.

Government may increase or diminish the quantity, and will authorise certain pecuniary payment to assist in bringing the land into cultivation.

A. D. 1808. REGULATION XI.

A REGULATION *for the Adjustment of the Rent payable by the Heirs of Invalid Jaghiredars.*—PASSED *by the Governor General in Council, on the* 28*th November* 1808; *corresponding with the* 15*th Aughun* 1215 *Bengal era; the* 25*th Aughun* 1216 *Fussily; the* 15*th Aughun* 1216 *Willaity; the* 11*th Aughun* 1865 *Sumbut; and the* 9*th Showaul* 1223 *Higeree.*

Preamble.

IN clause sixth, Section 5, Regulation XLIII. 1793, it was enacted, with respect to the rents payable by the heirs of invalid *jaghiredars*, "that after the expiration of the period of five years, the payment of one-tenth as *malikanah*, prescribed in the fourth article, shall cease, and the collector shall assess the lands with a neat rent equal to two-thirds of the rent paid for other lands in the district of the same description and quality." In clause sixth, Section 9, Regulation I. 1804, it was enacted, that "after the expiration of the period of five years, the payment of *malikanah* shall cease, and the proprietor of the land shall be entitled to rent in the proportion of two-fifths of the annual produce, whether in kind or money, as may be agreed on between the parties concerned in the adjustment." The latter provision was not intended to increase the rate of rent payable by the heirs of invalids to the *zemindars*, for which indeed no motive could exist, the lands in question not being included in the assets on which the *jumma* payable by the *zemindars* to Government had been adjusted. The modification in question, was adopted on the supposition, that a difficulty might occur in ascertaining the sum which would be "equal to two-thirds of the amount paid for other lands, in the district of the same description and quality;" and also on the supposition, that the application of the more definite rule contained in clause sixth, Section 9, Regulation I. 1804, would afford nearly the same result as the former provision, but which, from information since submitted to Government, the Governor General in Council has reason to believe is not always the case. The following rules have accordingly been enacted, to be in force from the time of their promulgation in all the districts in which invalid *thanas* have been or may be established.

Collectors to adjust the rent payable by the heirs of invalids, under the control of the Board of Revenue.

II. On the expiration of the periods specified in clause sixth, Section 9, Regulation I. 1804, it shall be the duty of the collectors of the districts, in which invalid *thanas* are situated, to adjust the rent payable by the heirs of invalids, on account of the *jaghires* held by them to the *zemindars*, under the supervision and control of the Board of Revenue.

Rules for the guidance of the collectors in making such adjustment.

III. In making such adjustment, the collectors shall be guided as nearly as possible by the spirit of the provisions noticed in the preamble to this regulation, that is, the *zemindars* shall be entitled to receive a neat rent equal to two-thirds of the amount paid for other lands, in the district of the same description and quality, according to the best information which the collectors may be able to obtain on that point; and the adjustment so made, shall be considered binding between the *zemindars* and the above description of tenants, so long as the lands shall be occupied by the latter.

Courts of justice to be guided by such adjustment in the decision of suits preferred by zemindars against the heirs of invalids.

How zemindars are to proceed, in case of such adjustment not being made in due time.

IV. The courts of justice shall be guided by the adjustment made by the collectors, under the control of the Board of Revenue, in the decision of all suits, which may be preferred by *zemindars* against the heirs of invalids to rent, on account of their *jaghires*; and no claim of that nature shall be deemed valid, until it shall have been adjusted, under the preceding sections, by the collectors. Should, however, the collectors fail to make the requisite adjustment in due time, the *zemindar* who may suffer any loss or inconvenience from that cause, will be of course at liberty to represent the circumstance to the Board of Revenue, who are hereby required to give the earliest attention to complaints of that nature.

A. D. 1811. REGULATION II.

A REGULATION *for amending the existing Rules for the Support of invalid Native commissioned and non-commissioned Officers.*—PASSED *by the Vice-President in council, on the 5th April* 1811; *corresponding with the 24th Chyte* 1217 *Bengal era; the 26th Chyte* 1218 *Fussily; the 25th Chyte* 1218 *Willaity; the 12th Chyte* 1868 *Sumbut; and the 10th Rubbee-ul-Awul* 1226 *Higeree.*

Preamble.

BY the rules in force for the maintenance of invalid native commissioned and non-commissioned officers, who may not be fit for garrison duty, an option is allowed to such officers of receiving lands on the *jaghiredar* establishment, and of enjoying at the same time the reduced pay of their respective ranks, or of retiring on that pay to any part of the Company's territories. In assigning lands for the support of the invalid commissioned and non-commissioned officers, it was of course the intention of Government to render the latter part of their lives as comfortable as possible; but material inconveniences have arisen from that arangement both to the Government and to the invalids themselves and their families. A difficulty has frequently occurred in obtaining the lands required for their support: considerable delay has consequently been experienced in assigning to them that provision. The lands, when purchased and rendered fit for tillage, being ordinarily situated in the vicinity of other lands overgrown with extensive forests, have necessarily proved in many instances very insalubrious; the habits, age, and infirmities of the invalid soldier disqualify him in a great measure for the labour and pursuits of an husbandman; the tendency of the existing arrangements to draw his immediate connections from the villages, in which they had been accustomed to reside, to places recently reclaimed from *jungle* (frequently, as already noticed, extremely insalubrious), has had a prejudicial influence on the comfort and health of that class of people. For these and other reasons, connected with the happiness of the native soldiery, and the convenience of the public service; the Vice-President in Council has been pleased to pass the following rules, to be in force from the period of their promulgation, throughout the territores immediately dependant on the presidency of Fort William.

Certain provisions in Regulation I. 1804, and Regulation XI. 1806, rescinded.

II. The provisions contained in Regulation I. 1804, which declare, that all native commissioned and non-commissioned invalid officers, not being fit for garrison duty, shall be allowed the option of being transferred to the *jaghiredar* establishment, and Section 20, Regulation XI. 1806, by which it is enacted, that native commissioned and non-commissioned officers, who may be transferred to the *jaghiredar* establishment, shall be entitled to the reduced pay of their rank, at the established rates, in addition to the benefits, which they may derive from the lands assigned to them, are hereby rescinded.

Native officers invalided after the date of this regulation, not to be entitled to lands, but both officers and privates unfit for garrison duty to receive six months invalid pay, with permission to retire to such part of the

III. *First.* Commissioned and non-commissioned native officers, who may be invalided subsequently to the date of this regulation, shall not be deemed entitled to lands on the *jaghiredar* establishment: but such of those officers, as shall not be considered fit for garrison duty, as well as privates not fit for such duty, shall be entitled to an advance of six months invalid pay of their respective ranks according to the rates hereafter specified, with permission to retire to any part of the Company's territories which they may prefer.

Company's territories as they may prefer.

Such officers and privates entitled to draw the reduced pay of their ranks for life.

Second. All commissioned and non-commissioned native officers, as well as privates, who may be invalided subsequently to the date of this regulation, and who may not be fit for garrison duty, shall be entitled to receive, for their future support during their lives, the pay of their respective ranks established by the orders of Government, under date the 15th February 1811, as follows:

Rates of pay of invalids of the regular corps.

Rates of pay of invalid officers and privates of the regular corps, comprising cavalry, *golundauze*, infantry, miners, pioneers, gun *lascars*, and ordnance drivers.

Subadars,	Sonat Rs.	25	0
Jemadars and Serangs,		12	0
Havildars, naicks, native doctors, tindals, and half cast drummers,		7	0
Troopers, sepoys, drummers (not half cast), trumpeters, pioneers, miners of 1st class, and gun lascars,		4	0
Ordnance drivers, miners of 2d class, farriers, bheestees, syces, grasscutters, and quarter-master's lascars,		3	0

Rates of additional pay on account of wounds or infirmities.

Rates of additional pay to persons of the description included in the above statement, who may have lost a limb, or become blind on service, or have been reduced to a helpless state by wounds received on service.

	Additional Pay.		Total.	
Subadars,	St. Rs.	15 0	40	0
Jemadars and serangs,		8 0	20	0
Havildars, naicks, native doctors, tindals, and half cast drummers,		5 0	12	0
Troopers, sepoys, drummers (not half cast), trumpeters, pioneers, miners of 1st class, and gun lascars,		3 0	7	0
Ordnance drivers, miners of 2d class, farriers, bheestees, syces, grasscutters, and quarter-master's lascars,		2 0	5	0

Rates of pay to invalids of the Ramghur battalion and hill rangers.

Rates of invalid pay to invalid from the Ramghur battalion and hill rangers, who may be admitted to the pension establishment.

Ramghur battalion and Hindoostanees of the hill rangers.

Subadars,	St. Rs.	18	0
Jemadars,		9	0
Havildars, naicks, and native doctors,		5	8
Sepoys, drummers, and bheestees,		3	8

Hill men of the hill rangers.

Subadars,		7	0
Jemadars,		4	0
Havildars and naicks,		3	0
Sepoys, drummers, and bheestees,		2	8

Rates of additional pay on account of wounds or infirmities.

Rates of additional pay to persons of the description included in the foregoing statement, who may have lost a limb or become blind on service, or have been reduced to a helpless state by wounds received on service.

Ramghur battalion and Hindoostanees of the hill rangers.

	Additional Pay.		Total.	
Subadars,	St. Rs.	15 0	33	0
Jemadars,		8 0	17	0
Havildars, naicks, and native doctors,		5 0	10	8
Sepoys, drummers, and bheestees,		3 0	6	8

Hill men of the hill rangers.

Subadars,	7	0	14	0
Jemadars,	4	0	8	0
Havildars and naicks,	3	0	6	0
Sepoys, drummers, and bheestees.	2	8	5	0

Rates of pay of invalids of the provincial battalions.

Rates of invalid pay for all invalids of provincial corps, who may, under the rules established in the Military Department, be admitted to the pension establishment.

Subadars,	St. Rs.	15	0
Jemadars,		7	8
Havildars, naicks, and native doctors,		5	0
Drummers and sepoys,		3	0

tallons admitted to the pension establishment.

Rates of additional pay to persons of the description included in the foregoing statement, who may have lost a limb, or become blind on service, or have been reduced to a helpless state by wounds received on service.

Rates of additional pay on account of wounds or infirmities.

		Additional Pay.		Total.	
Subadars,	St. Rs.	10	0	25	0
Jemadars,		5	0	12	8
Havildars, naicks, and native doctors,		4	0	9	0
Drummers and sepoys,		2	0	5	0

Third. The rates specified in the preceding tables, are not to be considered applicable to persons to whom reduced invalid pay had been granted previously to the date of the orders of Government above noticed, viz. the 15th of February 1811.

Those rates not applicable to persons to whom reduced invalid pay had been granted, prior to the 15th of February 1811.

IV. The rules contained in Sections 23, 24, 25, and 26, Regulation I. 1804, shall be strictly observed in issuing the pay to the persons, who may become entitled to that provision, under the present regulation.

Rules in Sections 23. to 26, Regulation I. 1804, to be strictly observed in issuing such pay.

A. D. 1813. REGULATION XI.

A REGULATION *for modifying some of the Rules before established respecting the Payment of Pensions, and for preventing the Abuses committed in the Receipt of Pensions.*—PASSED *by the Governor General in Council, on the 28th August* 1813; *corresponding with the* 14*th Bhadoon* 1220 *Bengal era; the* 16*th Bhadoon* 1220 *Fussily; the* 15*th Bhadoon* 1220 *Willaity; the* 2*d Bhadoon* 1870 *Sumbut; and the* 1*st Ramzaan* 1228 *Higeree.*

Preamble.

WHEREAS there are grounds to believe, that considerable abuses have been and still are committed in the receipt of pensions, by which means the Government is annually defrauded of a considerable sum, and individuals derive pecuniary advantages from practices, which in fact merit exemplary punishment; and whereas it is on every account essential to restrain and eradicate abuses of the above description; the following rules have been enacted, to be in force throughout the provinces immediately dependant on the presidency of Fort William, from and after the 1st October 1813.

Payment of pensions in general to be stopped from and after the 1st of October 1813, until due inquiry shall have been made respecting the title of the pensioners to the receipt of them.

To what description of pensions, the present rules to be applicable.

II. The payment of pensions generally shall be stopped from and after the 1st of October next, until the individuals by whom they may have been hitherto received, shall prove to the satisfaction of the Board of Revenue or Board of Commissioners, through the medium of the collector of the district in which such individuals reside, that they were the original grantees; and as such, adjudged entitled to the pensions hitherto received by them under the general regulations; or that they have been regularly declared entitled to succeed to the enjoyment of the said pensions: provided however, that this rule shall only be considered applicable to pensions of the description of those specified in Regulation XXIV. 1793; Regulation XXXIV. 1795; Section 30, Regulation XII. 1805, and Regulation XXIV. 1803; and to pensions granted to natives lately in the service of Government for their subsistence, and to such as were heretofore issued from the judicial and commercial departments, but have been lately ordered to be paid by the collectors of the land revenue; and shall not be considered to extend to stipends or pensions payable under existing treaties, or in conformity to arrangements adopted in the political and military departments.

To what other pensions they are not to extend.

A register of individuals to be prepared by the collectors.

III. *First.* It shall be the duty of the collectors, in making the revision above prescribed of the pension list of their respective districts, to prepare an exact register of the individuals, who on such revision may be deemed entitled to a continuance of the pensions hitherto received by them, in such form as may be deemed best calculated to identify the different individuals, and according to such instructions as they may receive on this point for their guidance from the Board of Revenue and Board of Commissioners respectively.

The collectors to correct the register, whenever a pension may revert to Government, &c.

Second. It shall likewise be the duty of the collectors to correct the said register carefully, as often as any pensions may revert wholly or in part to Government, or whenever other individuals, than those by whom he pensions are at present received, shall be adjudged entitled to the reversion of them.

Pensions exceeding fifty rupees per annum, to be paid in the mode prescribed by the provisions in Regulations XXIV. 1793, and XXIV. 1803.

IV. Pensions exceeding fifty rupees per annum, whether in the lower or western provinces, shall be paid in the mode prescribed by Section 14, Regulation XXIV. 1793, and Section 13, Regulation XXIV. 1803. For the accommodation however of individuals, the payment of any authorized pensions will be transferred from one district to another, on the application

Authorised pensions may be transferred from one district to another.

Sections 15. and 16, Regulation XXIV. 1793, and Sections 14. and 15, Regulation XXIV. 1803, rescinded.

Persons receiving pensions not exceeding fifty rupees per annum, to attend once in each year at the *cutcherries* of the collectors on the issue of the first quarterly payment, for the purpose of identifying themselves.

application of the party entitled to receive it, in cases in which no public inconvenience shall appear to attend the adoption of that arrangement.

V. *First.* Sections 15. and 16, Regulation XXIV. 1793, and Sections 14. and 15, Regulation XXIV. 1803, are hereby rescinded.

Second. Persons entitled to pensions not exceeding fifty rupees per annum, shall attend once in each year, that is, on the issue of the first quarterly payment, at the *cutcherrees* of the collectors for the purpose of identifying themselves by reference to the registers ordered to be kept by clause first, Section 3. of this regulation, and by such other inquiries as the collectors may deem it necessary to make in order to guard against frauds in the payment of such pensions: provided however, that in cases in which the collectors may be satisfied, after making the fullest inquiries possible on the subject, that the pensioners are actually precluded by sickness or infirmity from attending in person, or that they are women, who according to the usages of the country, do not ordinarily appear in public, the first quarterly payment shall be issued to any person duly authorized to receive the amount on the part of such pensioners.

The three remaining quarterly payments of the pensions may be made by any officer whom the collector may direct to perform that duty.

Third. The three remaining quarterly payments shall be made by any officer on the regular establishments, to whom the collectors may think proper to commit the performance of this duty. It shall be the duty of the officer so selected, to repair to the residence of the different pensioners; to ascertain fully whether the recorded pensioners be living; whether the persons claiming the different pensions be the persons actually authorized to receive them; to issue such pensions only as are indisputably receivable; to refer all questions of doubt to the collector for his orders; and finally to report the result of the duty entrusted to him.

A reward equivalent to the amount of any pension for the period of six months, will be paid to any person who may prove that the pension is fraudulently received.

VI. With a view to the more effectual discovery and suppression of the abuses which, as noticed in the preamble to this regulation, have been committed with respect to the pension list, a reward shall be paid equivalent to the amount of any pension for the period of six months, to any person who shall prove through the regular channel, to the satisfaction of the Board of Revenue or Board of Commissioners, that such pension is fraudulently or unduly received by the person enjoying the benefit of it.

A. D. 1814. REGULATION XII.

A REGULATION *for securing to the invalid Native Officers, Soldiers, and Others, the reduced Pay or Pension granted to them for their Support on retiring from Service.*—PASSED *by the Governor General in Council, on the* 27*th May* 1814; *corresponding with the* 15*th Jeyte* 1221 *Bengal era; the* 23*d Jeyte* 1221 *Fusely; the* 16*th Jeyte* 1221 *Willaity; the* 9*th Jeyte* 1871 *Sumbut; and the* 6*th Jummadi-us-Sanee* 1229 *Higeree.*

Preamble.

WHEREAS it is just and expedient that the reduced pay or pensions of invalid native officers, soldiers, and other persons, granted as a provision to worn out and disabled military and other public servants on their retirement from the service of the state, should be strictly and invariably applied to the purpose for which they have been granted by the beneficence of the Government, that is to say, to the support of the veteran or old and infirm servant of the state, and not be liable to be diverted from that purpose for the discharge of previous debts, or in consequence of subsequent bargains or agreements, which the artifices of designing persons, practising on the simplicity of the invalid soldier and pensioner, may induce him to enter into; whereby the beneficent and charitable views of the Government are defeated, and the money of the state, which the liberality of the Government bestows on the veteran and worn-out public servant, for his support and maintenance in old age and infirmities, is diverted to the use and benefit of persons who have no claim upon the state, nor right to be paid out of its resources; therefore the following rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation.

Pensions granted by Government to invalid native officers and soldiers not to be seized, or attached at the instance of a creditor, or in satisfaction of a decree of court.

II. The reduced pay or pension, however denominated, of invalid officers and soldiers and retainers of the army, being persons amenable by reason of their birth in India, or for other cause, to the jurisdiction of the courts of *dewanny adawlut*, or any other monthly or annual pecuniary allowance granted on retirement from the public service, by the authority of the Governor General in Council, to any person amenable to the jurisdiction of courts of *dewanny adawlut*, in consideration of past services and present infirmities or old age for the term of the life of such worn-out or disabled officer or public servant, is hereby declared not liable to seizure, attachment, or sequestration at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of court; nor any money due or to become due on account of such pension or allowance, unless the same have been assigned or made over by the pensioner by a writing under his signature, executed previous to the date of the promulgation of this regulation.

Exception in what case.

All assignments, bargains, sales, &c. which may be made by a pensioner after the date of the promulgation of this regulation, for money to be due thereafter on account of his pension, to be null and void and of no effect.

In what case excepted.

III. All assignments, bargains, sales, contracts, agreements, or securities, whatsoever, made after the date of the promulgation of this regulation by such pensioner as described in the foregoing section, for any money to become due thereafter on account of his pension, shall be null and void and of no effect. But nothing herein contained shall be construed to prevent or render null the assignment of money due on account of a pension or monthly or annual pecuniary allowance, by a writing under the signature of the pensioner, executed on or after the date, when the same shall become due.

A. D. 1793. REGULATION XI.

A REGULATION *for removing certain Restrictions to the Operation of the Hindoo and Mahommedan Laws, with regard to the Inheritance of landed Property, subject to the Payment of Revenue to Government.*— PASSED *by the Governor General in Council, on the 1st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

A CUSTOM, originating in considerations of financial convenience, was established in these provinces under the native administrations, according to which, some of the most extensive *zemindarees* are not liable to division. Upon the death of the proprietor of one of these estates, it devolves entire to the eldest son, or next heir of the deceased, to the exclusion of all other sons or relations. This custom is repugnant both to the Hindoo and Mahommedan laws, which annex to primogeniture no exclusive right of succession to landed property, and consequently subversive of the rights of those individuals, who would be entitled to a share of the estates in question, were the established laws of inheritance allowed to operate with regard to them, as well as all other estates. It likewise tends to prevent the general improvement of the country, from the proprietors of these large estates not having the means, or being unable to bestow the attention, requisite for bringing into cultivation the extensive tracts of waste land comprised in them. For the above reasons, and as the limitation of the public demand upon the estates of individuals as they now exist, and the rules prescribed for apportioning the amount of it on the several shares of any estates which may be divided, obviate the objections and inconveniencies that might have arisen from such divisions, when the public demand was liable to annual or frequent variation; the Governor General in Council has enacted the following rules.

After the 1st July 1794 landed property to descend according to the Mahommedan or Hindoo law, unless the last proprietor shall have otherwise disposed of it, in a manner sanctioned by those laws.

II. After the first of July 1794, corresponding with the 20th Assar 1201 Bengal era; the 17th Assar 1201 Fussily; 20th Assar 1201 Willaity; 17th Assar 1851 Sumbut; and the 2d Zehigeh 1208 Higeree; if any *zemindar*, independent *talookdar*, or other actual proprietor of land, shall die without a will, or without having declared by a writing, or verbally, to whom, and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs, who, by the Mahommedan or Hindoo law, (according as the parties may be of the former or latter persuasion,) may be respectively entitled to succeed to a portion of the landed property of the deceased, such persons shall succeed to the shares to which they may be so entitled.

Two or more persons succeeding to an estate, to be at liberty to hold it as a joint undivided estate;

III. If any *zemindar*, independent *talookdar*, or other actual proprietor of land, shall die subsequent to the period specified in Section 2. without a will, or without having declared by a writing, or verbally, to whom, and in what manner, his or her landed property is to devolve, after his or her demise, and shall leave two or more heirs, who, by the Mahommedan or Hindoo law, (according as the parties may be of the former or latter persuasion,) shall be respectively entitled to succeed to a portion of the landed property of the deceased, under the rule contained in that section, such persons shall be at liberty, if they shall prefer so doing, to hold the property as a joint undivided estate. If one or more or all of the sharers shall

or one or more or all of the sharers allowed to have separate possession of his or their shares;

or two or more of the sharers permitted to hold their shares as a joint undivided estate

Manager to be appointed to shares held in joint property.

Shares held separate how to be assessed.

shall be desirous of having separate possession of their respective shares, a division of the estate shall be made in the manner directed in Regulation XXV. 1793, and such sharer or sharers shall have the separate possession of such share or shares accordingly. If there shall be three or more sharers, and any two or more of them shall be desirous of holding their shares as a joint undivided estate, they shall be permitted to keep their shares united accordingly.

IV. It is to be understood, that if any two or more sharers shall keep their shares united, under the option granted to them in Section 3. a manager for their joint estate is to be appointed, under the rules contained in Sections 23, 24, 25, 26, Regulation VIII. 1793; and that if any one or more or such sharers, shall apply to have the separate possession of his or their share or shares, the proportion of the public *jumma* charged upon the whole estate which is to be assessed upon such share or shares, is to be adjusted according to the rules prescribed in Section 10, Regulation I. 1793. If the estate is held *khas*, or let in farm, the provisions contained in Section 11, Regulation I. 1793, regarding estates so circumstanced which may be divided, will be applicable to it.

This regulation not to be in force until the 1st July 1794, and then not to operate retrospectively.

V. Nothing contained in this regulation is to be construed to entitle any person to a share of an estate, which may be now held entire by an individual, or that may devolve entire to any individual prior to the 1st July 1794, in exclusion of the other heirs of the last proprietor, under the custom for the future abolition of which this regulation is enacted.

Nor to prevent persons transferring their property in the manner and to whom they may think proper; provided the transfer be not repugnant to the Hindoo or Mahommedan law, or the regulations of the Governor General in Council.

VI. Nor to prohibit any actual proprietor of land bequeathing, or transferring by will, or by a declaration in writing, or verbally, either prior or subsequent to the 1st July 1794, his or her landed estate entire to his or her eldest son, or next heir, or other son or heir, in exclusion of all other sons or heirs, or to any person or persons, or to two or more of his or her heirs, in exclusion of all other persons or heirs, in the proportions, and to be held in the manner, which such proprietor may think proper; provided that the bequest or transfer be not repugnant to any regulations that have been or may be passed by the Governor General in Council, nor contrary to the Hindoo or Mahommedan law; and that the bequest, or transfer, whether made by a will, or other writing, or verbally, be authenticated by, or made before, such witnesses, and in such manner, as those laws and regulations respectively do, or may require.

A. D. 1793. REGULATION XXV*.

A REGULATION *for the Division of Estates paying Revenue to Government, and for allowing two or more Proprietors of Shares of an Estate, to hold their Shares as a joint undivided Estate.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IN *dividing landed property paying revenue to Government into two or more distinct estates, the share or shares comprised in each estate, should be rendered as compact as circumstances may admit, in order to obviate the disputes regarding boundaries, water and other matters, which necessarily result where the lands belonging to different estates circumscribe each other, or are intermixed, and which, by obstructing the cultivation, and consequently depreciating the value of the property, are equally prejudicial to the interests of the proprietors, and to those of the public. Justice to the sharers, and the security of the resources of the state, require likewise that the fixed public revenue should be apportioned on each of the estates into which the property may be divided, agreeably to the rules prescribed in Regulation I.* 1793. *For this purpose, the officers of Government appointed to make the division, must have access to the accounts of the gross collections from the property to be divided. The proprietors can have no well founded objection to the production of these accounts, it being specified in the proclamation contained in Regulation I.* 1793, *by which the decennial settlement was declared permanent, that Government reserved to itself the power of passing such regulations for ascertaining the actual produce of lands ordered to be divided as might be deemed expedient; and the limitation of the demand upon each estate in perpetuity, precluding proprietors from being subjected to the payment of any increase of revenue, whatever may be the excess of their receipts from their estates, above the assessment which they may have engaged to pay annually to Government. It is also necessary for the convenience of the proprietors of two or more estates, that may have originally formed specific and ascertained proportions of the same* zemindaree, talook, *or* chowdrai, *and for preventing the divisions of landed property becoming too numerous and minute, that the proprietors of such estates should be allowed to unite them into one estate. The following rules applicable to the above considerations have been accordingly enacted.*

Division of estates in the cases specified in this regulation to be made by the collector.

II. The division of every zemindaree, *independent* talook, *or other estate, paying revenue immediately to Government, which may be ordered to be divided into two or more distinct estates, and the apportioning of the fixed* jumma *assessed on the whole of the estate, upon the several shares, is to be executed under the superintendence of the collector of the revenue of the* sillah *in which the state may be situated.*

Proprietors of a joint estate entitled to have a division of it made at their own expence.

III. If all the proprietors of a joint undivided estate, shall be desirous to have their estate divided into two or more separate estates, they are to make a written application

* This entire regulation is rescinded by Section 2, Regulation XIX. 1814.

for

for that purpose to the collector of the zillah *under their respective seals and signatures, and attested by four credible witnesses, specifying the shares which belong to them respectively, and whether they are desirous of having separate possession of their respective shares, or whether any two or more of them propose to hold their shares as a joint estate. The collector is to forward the application to the Board of Revenue, who are empowered to authorize him to divide the joint property into the number of estates requested by the proprietors. All expences incurred by the division are to be borne by the proprietors, in the proportion which their respective shares may bear to the whole estate. Agreeably to this rule, a proprietor of a sixteenth part, or one annas share, will defray a sixteenth of the expence, and the other sharers in proportion.*

One, two, or more of the proprietors of a joint estate entitled to have their shares separated at his or their expence.

IV. First. *If one, two, or more of the proprietors of a joint estate, shall be desirous to have the separate possession of his or their respective share or shares, or, if two or more of them shall be desirous to have their shares separated, and to hold them as a joint estate, they are to make a written application for that purpose to the collector of the* zillah, *under their seals and signatures, and attested by four credible witnesses. The collector is to forward the application to the Board of Revenue, who are empowered to authorize the collector to make the division as may be requested by the proprietors. If the division shall be made at the application of one sharer only, he is to pay the whole of the expence attending it. If the division be made at the application of two or more of the sharers, they are to defray the expence in the proportion that each of their respective shares may bear to the aggregate of their shares. Agreeably to this principle, if the estate be divided at the application of three sharers, each entitled to two-sixteenths, or a two annas share of the whole estate, each sharer is to defray a third of the expence attending the division.*

Courts of justice may order the division of an estate in the cases herein specified.

Second. *Where any person or persons may succeed to the proprietary right in a portion, or the whole of an estate, in virtue of a decree of a court of justice, the court to which the enforcing of the decree may be committed, is empowered, upon receiving an application from the proprietor or proprietors to that effect, to issue a precept under the seal of the court, and attested by the register, to the collector, requiring him to divide the estate, and (provided it be not held* khas *or let in farm by Government) to put the parties in possession of the shares to which they may be entitled under the decree. The collector is to proceed to make the division upon the receipt of the precept, sending a copy of it to the Board of Revenue for their information.*

Collectors not to proceed to a division, if all, or any of the parties in possession deny the right of the person or persons applying for the division to the share or shares claimed, until their title be established in the dewanny adawlut, *or the parties so denying shall admit the title.*

V. If one, two, or more persons shall apply to a collector for the division of an estate, and the separate possession of the share or shares to which he or they may state themselves entitled, and all or any of the persons in the possession of the estate, or any part of it, shall deny by a writing under his or their seals and signatures, and attested by two credible witnesses, the right of such claimant or claimants to the share or shares so claimed, the collector is not to proceed to the division until he or they shall have established his or their right to such share or shares in the dewanny adawlut, *or until the party denying such right, shall signify to the collector, by a writing under his or their seals and signatures, and attested by four credible witnesses, that he or they admit the title of the person or persons applying for the division, to the share or shares claimed.*

Two or more estates which originally formed part of the same zemindaree, &c. *may be united and registered as one estate.*

VI. If two or more estates that may have originally formed specific and ascertained portions of the same zemindaree, talook, *or* chowdrai, *shall come into the possession of one person; or, if one, two, or more persons shall possess two or more shares of any such estate, such person or persons shall be entitled to have such shares united, and to hold them as one estate. Application for the union of estates, is to be made to the collector of the* zillah *in writing, under the seal and signature of the proprietor or proprietors, and attested by two credible witnesses. The collector is to forward the application to the Board of Revenue, who are empowered to comply with the application, reporting it to the Governor General in Council, to whom a power is reserved of disallowing the union, in cases in which, from the great extent of the estates proposed to be united, it may appear to him unadvisable. If the union shall take place, the required entry of it is to be made in the register of intermediate mutations in property, as prescribed in Regulation XLVIII.*

1793; *and, in the next quinquennial register, the estates so united, are to stand as one estate, and an engagement for the fixed revenue assessed upon it, is to be taken from the proprietor or proprietors accordingly.*

Each estate to be as compact as possible.

VII. When a division of an estate shall be ordered to be made, each of the estates into which the property may be directed to be divided, shall be formed of entire and (as far as the situation of the lands, and other local circumstances may admit) contiguous mohauls *or villages, so that each estate may be as compact as possible.*

Public revenue to be assessed upon each estate agreeably to the rules herein prescribed.

Rules for selecting the lands to be included in each estate.

VIII. The public revenue is to be assessed upon each estate into which the property may be ordered to be divided, in conformity to the rules prescribed in Regulation I. 1793; *but in selecting the* mohauls *or villages to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads or navigable rivers, the nature and quality of the soil and produce, the quantity of waste land, the depth at which water may be procurable, the number of tanks, the state of the embankments, and water-courses, and every other local circumstance affecting the present, or likely to influence the future, value of the lands, are to be duly considered, and the* mohauls *or villages to be included in each estate, fairly and impartially selected accordingly. A strict adherence to the above rule is essential to rendering the division equitable. For if the* mohauls *or villages containing a large proportion of waste land, and situated in the vicinity of a navigable river, or possessing other local advantages, are included in one estate, and the* mohauls *or villages, liable to inundation, or comprising a small proportion of waste land, or situated at a greater distance from a navigable river, or subject to other local disadvantages, are included in another, it is obvious that the selection of the* mohauls *and villages included in the two estates, will not be fairly and impartially made, although the public revenue may be assessed upon each estate agreeably to the rules prescribed in Regulation I.* 1793, *as far as regards their immediate produce at the time of the division. The former estate will be more valuable than the latter, from being capable of improvement, without being liable to be affected by the calamities of season, whilst the latter will be subject to those calamities, without possessing the same advantages as the former.*

Upon a division, proprietors allowed to retain their dwelling-houses and the land immediately attached to them, although situated in the share of another, on paying rent for the land.

IX. If a dwelling-house belonging to one sharer, shall be situated in a mohaul *or village, which may be included in the estate of another, the proprietor of such house shall be at liberty to retain it with the offices, buildings, and ground, immediately attached to it, upon paying to the proprietor of the* mohaul *or village an equitable rent for the ground and the limits of the ground, and the rent to be paid for it shall be particularized in the paper of partition.*

Rules with regard to tanks, embankments, &c.

X. Tanks, reservoirs, water-courses, and embankments, shall be considered as attached to the land for the benefit of which they were originally made. In cases in which from the extent, situation, or construction of works of this nature, it shall be found necessary the continue them the joint property of the proprietors of two or more of the estates, the paper of partition is to specify, as far as circumstances may admit, the proportion of the benefit which each estate is entitled to derive therefrom, and of the expence of the repairs with which it is to be charged.

and places of religious worship.

XI. Places of worship that may have been held in common previous to the division of a zemindaree *or other estate, shall be continued on the same footing, unless the parties shall otherwise agree amongst themselves; in which case, they are to signify their determination in writing to the* ameen, *who shall insert it in the paper of partition.*

Divisions of estates to be made by an ameen, to be appointed by the collector.

XII. When an estate shall be ordered to be divided, the collector is to appoint a creditable ameen *to make the division, with such personal allowance and establishment as may appear to him proper, reporting the amount and particulars of each to the Board of Revenue for their approval.*

Oath to be taken by the ameen.

XIII. First. *The collector is empowered and directed to administer the following oath to the* ameen, *previous to his proceeding to make the division:—"I A. B. appointed to make the division of the estate of ———, in the* zillah *of ———, solemnly swear, that I will fairly and impartially, and as expeditiously as may be practicable, make the division of the property, and apportion the public revenue upon each distinct estate into which it is directed to be divided, to the best of my knowledge and judgment, according*

according to the regulations passed by the Governor General in Council; that I will not directly or indirectly receive, or allow any other person to receive, any fee, present, or reward whatever, from any of the sharers, or any person or persons on their behalf on account of the division, or any matter connected therewith; that I will not derive any advantage or emolument from my appointment, excepting such as may be expressly allowed to me by the collector, and approved by the Board of Revenue; and that I will deliver to the collector all such papers and accounts as may come into my possession, respecting the estate which I am appointed to divide."

Penalty for ameens convicted of corruption in opposition to their oath.

Second. *If the* ameen *shall be convicted before the* dewanny adawlut *of the* zillah, *of receiving or allowing any other person to receive, directly or indirectly, any money or effects, or other property, from the sharers, or any person or persons on their behalf, in opposition to his oath, he shall be compelled to restore the money or property to the party from whom it may have been received, and to pay a fine of three times the amount or value of it to Government, with all costs to the party prosecuting, and be imprisoned until he shall make good the decree, or the amount of it shall be liquidated by the sale of his property.*

Documents with which the collector is to furnish the ameen.

XIV. The collector is to deliver to the ameen *a* sunnud *of appointment, under his official seal and signature, in which are to be specified the name of the estate, the names of the different sharers, their respective proportions, the number of separate estates into which the property is to be divided, and the shares included in each estate, together with a copy of the regulations under which he is to make the division, and of the entries in the last formed quinquennial register, or in the subsequent register of intermediate mutations, which may relate to the property to be divided.*

Ameen to survey the different parts of the estate in person.

XV. Upon the arrival of the ameen *on the spot, he is to survey in person the different parts of the property, so as to enable him to select the lands to be included in each estate, in conformity to the rules prescribed in Sections 7 and 8.*

Proprietors to furnish the ameen with the necessary accounts to enable him to adjust the jumma *on the several shares, in conformity to Regulation I. 1793.*

Proprietors to swear to the truth of the accounts, or, if exempted from swearing, to subscribe the usual declaration.

Proprietors liable to be fined, if they do not produce the accounts.

XVI. The proprietors are to furnish the ameen with the accounts of the gross produce of each mohaul *and village, and all other accounts or information that he may require, to enable him to assess the public revenue on each of the estates into which the property is to be divided, in conformity to the rules prescribed in Regulation I. 1793. The proprietors are to swear to the truth of the accounts before the* ameen, *or, if they shall be of the description of persons whom the courts of judicature are empowered to exempt from taking oaths, the collector is to authorize the* ameen *to receive from them a solemn declaration to the truth of the accounts. If the proprietors shall omit to furnish the required accounts, the persons withholding them, shall be liable to such daily fine until they produce them, as the Governor General in Council may judge it proper to impose upon a consideration of the case, and their situation and circumstances in life; and the amount of the fine shall be levied by the collector, by the same process as is prescribed for longing arrears of revenue.*

Proprietors to cause their putwarees, *and other* zemindaree *officers, to attend the* ameen *under the penalty herein prescribed.*

Putwarees acting contrary to the rules in Section 62, Regulation VIII. 1793.

Documents to be delivered to the collector by the ameen when he has completed the division.

XVII. The proprietors are likewise to cause the putwarees, *and other* zemindaree *officers, to attend the* ameen *to explain the accounts, and furnish him with such information as he may require for dividing the estate and apportioning the public* jumma, *under the penalty of being fined in the same manner as for omitting to produce their accounts.* Putwarees *refusing to deliver their accounts, or otherwise acting contrary to the rules contained in Section 62, Regulation VIII. 1793, shall be proceeded against as therein directed.*

XVIII. When the ameen *has completed the division of the property, and allotted the public revenue on each estate, he is to submit to the collector the papers of the division and allotment, which are to specify the names of the* mohauls *or villages included in each separate estate into which the property may have been divided, the gross produce of each* mohaul *and village for the three years preceding the year in which the division may be ordered to be made, and the proportion of the public* jumma *which he may have assessed thereon, with such observations regarding the manner in which he may have selected the lands included in each estate, and the accounts from which he may have apportioned the public revenue of them, as may be necessary for the information of the collector, together with a detail of the adjustment which he may have made respecting the tanks, places of worship, or other matters, specified in Sections 9, 10, and 11.*

XIX. The collector is to examine the documents which may be delivered to him by the ameen, *and, after receiving any objections or remarks that may be offered to him by the sharers in person, or by their* vakeels, *he shall draw out a paper of partition, specifying the* mohauls *or villages included in the several estates into which the property may have been divided, the gross produce of each* mohaul *or village, the allotment of the public* jumma *upon each, the name or names of the proprietor or proprietors of each estate, and, where an estate is to be held as the joint property of two or more persons, their respective shares in the estate, together with the stipulations that may have been made respecting any of the matters mentioned in Sections* 9, 10, *and* 11, *and transmit a copy of the paper to the Board of Revenue, with such observations as may be necessary to enable them to judge whether the division of the property, and the allotment of the* jumma *on each estate into which it may have been divided, have been made agreeably to the regulations. Previous however to forwarding the paper of partition to the Board of Revenue, the collector is to furnish the sharers with a copy of it, and any objections which they may offer to it, are to be forwarded to the Board of Revenue with the paper. The Board of Revenue are empowered to confirm, or make such alterations in the division of the property, and the allotment of the public revenue on each estate, or other matters specified in the paper of partition, as may appear to them proper, reporting their determination to the Governor General in Council. The Board of Revenue may order further enquiries to be made before they pass their determination on the division, in cases in which it may appear to them necessary.*

Collector after summoning the documents, and hearing the objections of the parties, to draw out a paper of partition.

What the paper is to contain.

Copy of the paper to be transmitted to the Board of Revenue with the collector's remarks.

Sharers to be furnished with a copy of the partition paper, and their objections to or remarks upon it, to be forwarded with the paper to the Board of Revenue.

Board of Revenue may confirm or alter it, or order further enquiries.

XX. The determination of the Board of Revenue on the paper of partition, shall be communicated in writing, by the collector to the sharers, who shall be allowed six weeks from the date of the communication, to appeal from the determination of the Board of Revenue to the Governor General in Council, whose decision shall be final. The party desirous of appealing, is to present his petition of appeal to the collector, or to the Board of Revenue, and the petition is to specify the matters to which the appellant may object.

Decision of the Board of Revenue to be communicated to the sharers, all or any of whom may appeal from it to the Governor General in Council, within six weeks.

XXI. If all the sharers shall express themselves satisfied with the decision of the Board of Revenue by a writing under their respective seals and signatures, or, if none of them shall appeal within the limited time, or (in the event of an appeal having been preferred) upon the receipt of the final decision of the Governor General in Council, the collector shall put the parties in possession of their respective estates, and immediately make the necessary entries in the register of intermediate mutations as prescribed in Regulation XLVIII. 1793, *after comparing the documents delivered by the* ameen, *with the entries regarding the estate in the preceding quinquennial register, and correcting or supplying any errors or omissions that may be discovered in those entries.*

Collectors to put the parties in possession of their estates, when all matters regarding the division have been finally adjusted.

XXII. In the cases specified in Sections 3 *and* 4, *if all the proprietors of the estate to be divided, shall agree to make the division themselves, and to allot the public* jumma *upon each estate, and to adjust all other matters respecting the division, agreeably to the Regulations, they are to present a petition to that effect under their seals and signatures, and attested by four credible witnesses, to the collector, who is to issue directions to the* ameen *accordingly. But the proprietors shall produce the required accounts before the* ameen, *and swear, or subscribe a solemn declaration to the truth of them, and the division of the lands, and the apportioning of the* jumma, *and every other matter relating thereto, shall be settled in the presence, and subject to the inspection of the* ameen, *who is to be responsible for the regulations being in every respect observed. In like manner, if all the proprietors of the estate which may be ordered to be divided in the cases specified in Sections* 3 *and* 4, *shall agree to refer the division of the estate, and the apportioning of the public* jumma, *and the adjustment of all other matters respecting the division, to an arbitrator or arbitrators, they shall present a petition to that effect to the collector, attested by four credible witnesses, and specifying the name of the arbitrator or arbitrators whom they may choose, and where two or more arbitrators are chosen, the name of the umpire. Upon the receipt of the petition, the collector is to direct the* ameen *to cause the parties to execute arbitration bonds. The proprietors are to produce the necessary accounts before the arbitrators, and to swear, or subscribe a solemn declaration to the truth of them, before the* ameen, *and the division of the lands, and the allotment of the* jumma, *and every other*

Division of estates may be made by the sharers themselves, or by arbitrators, under the inspection of the ameen, in the cases herein specified.

other matter relating thereto, shall be settled by the arbitrators, in the presence and subject to the inspection of the ameen, *who is to be responsible for their proceeding according to the Regulations. When the sharers, or the arbitrators in the cases above specified, shall have adjusted the division of the property, and the allotment of the public* jumma *on each estate, and all matters relating thereto, and the whole shall have undergone the revision of the* ameen, *he is to submit all the documents and papers specified in Section* 18, *to the collector, who, upon the receipt of them, is to proceed in the same manner as if the divison had been made without the interference of the parties or the arbitrators; and all the rules contained in this regulation regarding divisions made solely by the* ameen, *are to be held applicable to divisions made by the parties, or arbitrators, under this section.*

Estates, however small, to be rendered as compact as possible.

XXIII. If any landed property ordered to be divided, shall not consist of a sufficient number of villages, to admit of one or more whole village or villages being included in each estate, the division of the village or villages of which the property may consist, is to be made so as to render each estate into which the property may be divided, as compact as possible.

Cases in which the sharers are to draw lots for the lands that are to form their respective estates after the division is finally adjusted.

XXIV. To remove, as far as may be possible, every inducement to fraud or partiality in the division of landed property, it shall be a rule, that where two or more of the estates shall consist of the same proportions of the whole property divided, the parties entitled to them, shall draw lots for the divisions, in the public cutcherree *before the collector, who shall be held responsible that in drawing the lots no unfair means are practised. Agreeably to this rule, if any landed property shall be ordered to be divided into three estates, each consisting of a four annas share or four-sixteenths; or into three estates, one consisting of an eight annas share or eight-sixteenths; and the other two, each of four annas or four-sixteenths of the whole property, after the division and allotment of the public revenue, and every other matter relating to the division, shall have been finally adjusted, the proprietors of the four shares in the first case, and of the two four-annas shares in the second, shall draw lots for the divisions, unless they shall settle amongst themselves which division of the property each party is to receive, and present a petition to the collector under their respective seals and signatures, and attested by two credible witnesses, specifying the divisions which each of them may have agreed to take, in which case, the collector shall put them in possession of the divisions which they may respectively select.*

Governor General in Council reserves the power of ordering a new allotment of the public jumma, *in the event of it being proved to his satisfaction within three years, that the allotment was fraudulently or erroneously made.*

and to order the parties whose estates may have been overassessed, to be indemnified by the sharers whose estates may have been under-assessed.

XXV. To guard against collusion, or error, in the distribution of the public jumma *on landed property which may be ordered to be divided into two or more distinct estates, it is declared, that if it shall be proved to the satisfaction of the Governor General in Council within three years after the parties may have been put in possession, that the* jumma *was fraudulently or erroneously apportioned at the time of the division, he reserves to himself the power of ordering a new allotment of the* jumma *upon the several estates into which it may have been divided, conformably to the principles prescribed in Regulation I.* 1793, *upon an estimate of the gross produce of each estate at the time of the division, to be made agreeably to the best evidence and information that may be procurable respecting it, and further, of ordering the parties whose estates may appear to have been under-assessed, to pay the sharers upon whose estates the assessment may have been excessive, the sum of which they may be found to have been defrauded by the over-assessment, and, in the event of their omitting to discharge the amount, to cause it to be levied by the collector by the process prescribed for the recovery of arrears of revenue.*

Court of wards to take care that the rights of females or proprietors disqualified by natural defects or infirmities, are duly attended to in divisions.

XXVI. If any of the sharers in landed property ordered to be divided, shall be females not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the collector is to report the same to the court of wards, who are enjoined to be careful that the rights of such proprietors are duly attended to in the division, although his or her share of the property should not be liable after the division may be finally adjusted, to the operation of Regulation X. 1793.

XXVII. If any of the sharers in landed property ordered to be divided, from indisposition or other cause, shall be unable, or shall not choose to attend the collector or the ameen *in person, in the cases required, they are to depute a* vakeel *duly appointed, with powers to perform all such acts as they themselves are authorized or required to perform under this regulation, until the division of the property shall be finally adjusted.*

Parties not attending in person to appoint vakeels with full powers to act for them.

XXVIII. Landed property, for the payment of the public revenue assessed upon which, engagements have been or may be concluded with the proprietors, and that may be ordered to be divided under this regulation, is to remain under charge of the manager directed to be appointed by the proprietors of joint undivided estates, by Regulation VIII. 1793, *and the whole of it is to be held answerable for the payment of the public revenue assessed upon it, until the division shall have been finally adjusted, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.*

Joint landed property to be held responsible for the payment of the public revenue, until the parties are put in possession of the distinct estates into which it is to be divided.

XXIX. The division of landed property held khas, *or let in farm by Government, in as much as regards the division of the lands, is to be made agreeably to the rules prescribed in this regulation, as far as they may be applicable to lands so circumstanced; and the farmer, or the native collector, of the revenue on the part of Government, shall produce all the accounts and papers which they may possess, respecting the lands, upon receiving a requisition to that effect from the* ameen. *Such property, when divided, will be subject to the rules contained in Section* 11, *Regulation I.* 1793.

Rules respecting the division of landed property let in farm, or held khas *by Government.*

A. D. 1795. REGULATION XXVI*.

A REGULATION *for extending to the Province of Benares, with Alterations, Regulation XXV.* 1793, *entitled, "A Regulation for the Division of Estates paying Revenue to Government, and for allowing two or more Proprietors of Shares of an Estate, to hold their Shares as a joint undivided Estate."*—PASSED *by the Governor General in Council, on the* 27*th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzuan* 1209 *Higeree.*

Preamble.

THE *rules prescribed in Regulation XXV.* 1793, *for the division of estates paying revenue to Government, and for allowing two or more proprietors of shares of an estate, to hold their shares as a joint undivided estate, in the provinces of Bengal, Behar, and Orissa, with certain alterations, being considered equally applicable to the province of Benares, the following rules have been enacted.*

Regulation XXV. 1793, *extended to Benares, with alterations.*

II. The rules contained in Regulation XXV. 1793, *for the division of estates paying revenue to Government, and for allowing two or more proprietors of shares of an estate, to hold their shares as a joint undivided estate, in the several* zillahs *in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for the division, and for the union of the shares of all such estates, in the province of Benares, with the following alterations.*

Public revenue on the shares of estates to be divided, to be assessed agreeably to the rules prescribed in Regulation XXVII. 1795.

III. The public revenue to be assessed on each estate into which the property may be ordered to be divided, is to be apportioned in the province of Benares, agreeably to the rules prescribed in Regulation XXVII. 1795, *instead of Regulation I.* 1793.

Prescribed entries to be made in the quinquennial register, and register of intermediate mutations, directed to be kept by Regulation XIX. 1795.

IV. The entries directed to be made in the quinquennial register and the register of intermediate mutations in property, ordered to be kept by Regulation XLVIII. 1793, *are, in the province of Benares, to be made in the quinquennial register and register of intermediate mutations, directed to be kept by Regulation XIX.* 1795.

Putwarees refusing to deliver their accounts, &c. to be proceeded against in the manner prescribed in Section 9, Regulation XXVII. 1795.

V. Putwarees *refusing to deliver their accounts, or otherwise acting contrary to the rules prescribed to them, are to be proceeded against in the manner specified in Section* 9, *Regulation XXVII.* 1795, *instead of Section* 62, *Regulation VIII.* 1793.

Rule substituted in lieu of Section 26.

VI. First. *The following rule is substituted in lieu of Section* 26.

Board of Revenue, or eventually the court of wards, to take care that the rights of females, or proprietors disqualified by natural defects, or infirmities, are duly attended to in divisions.

Second. *If any of the sharers in landed property ordered to be divided, shall be females not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the collector is to report the same to the Board of Revenue, or to the court of wards, in the event of the authority of that court being hereafter extended to Benares, and the Board, or court, are enjoined to be careful that the rights of such proprietors are duly attended to in the division.*

* The whole of this regulation is rescinded by Section 2, Regulation XIX. 1814.

Rule substituted in lieu of Section 28.

Joint landed property, to be held responsible for the payment of the public revenue, until the parties are put in possession of the distinct estates into which it is to be divided.

VII. First. *The following rule is substituted in lieu of Section 28.*

Second. *Landed property, for the payment of the public revenue assessed upon which, engagements have been or may be concluded with the proprietors, and that may be ordered to be divided under this regulation, is to remain wholly answerable for the payment of the public revenue assessed upon it, until the division shall have been finally adjusted, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.*

A. D. 1800. REGULATION X.

A REGULATION *for preventing the Division of landed Estates, in the Jungle Mehals of the Zillah of Midnapore and other Districts.*—PASSED *by the Governor General in Council, on the* 11*th December* 1800; *corresponding with the* 28*th Aughun* 1207 *Bengal era; the* 12*th Poose* 1208 *Fussily; the* 28*th Aughun* 1208 *Willaity; the* 10*th Poose* 1857 *Sumbut; and the* 23*d Rujeeb* 1215 *Higeree.*

Preamble.

BY Regulation XI. 1793, the estates of proprietors of land, dying intestate, are declared liable to be divided among the heirs of the deceased, agreeably to the Hindoo or Mahomedan laws. A custom, however, having been found to prevail in the Jungle Mehals of Midnapore and other districts, by which the succession to landed estates invariably devolves to a single heir without the division of the property, and this custom having been long established, and being founded in certain circumstances of local convenience which still exist; the Governor General in Council has enacted the following rule, to be in force in the provinces of Bengal, Behar, and Orissa, from the date of its promulgation.

Regulation XI. 1793, not to operate in the Jungle Mehals of Midnapore and other districts.

II. Regulation XI. 1793, shall not be considered to supersede or affect any established usage, which may have obtained in the Jungle Mehals of Midnapore and other districts, by which the succession to landed estates, the proprietor of which may die intestate, has hitherto been considered to devolve to a single heir, to the exclusion of the other heirs of the deceased. In the *mohauls* in question, the local custom of the country shall be continued in full force as heretofore, and the courts of justice be guided by it in the decision of all claims which may come before them to the inheritance of landed property situated in those *mohauls.*

A. D. 1801. REGULATION I.

A REGULATION *to explain and amend Part of the Rules for collecting the Public Revenue, contained in Regulations VII. 1799, and V. 1800; to expedite the Sale of Lands for Arrears of Revenue; to limit the Division of Property by such Sales; to explain and amend the Rules contained in Regulation XXV. 1793, (extended to Benares by Regulation XXVI. 1795,) for the Division of joint Estates, and Allotment of the fixed Assessment thereupon; and to fix a Period for the Operation of such Part of Regulation VIII. 1793, as authorizes the Separation of certain Talooks from the Zemindarees to which they were attached at the time of the decennial Settlement.*—PASSED *by the Governor General in Council, on the 15th January 1801; corresponding with the 4th Maug 1207 Bengal era; the 15th Maug 1208 Fussily; the 4th Maug 1208 Willaity; the 15th Maug 1857 Sumbut; and the 29th Shabaan 1215 Higeree.*

Preamble.

THE rules contained in Regulation VII. 1799, (extended to Benares with modifications by Regulation V. 1800,) for the more punctual collection of the land revenue by attachment of the lands in cases of arrear, and by a sale of them at the close of the year for which the arrear may be due, have materially promoted the object proposed by them, but have been partly deprived of their effect by indiscriminate attachment of the lands, without due regard to the discretion vested in the collectors by clause seventh, of Section 23, Regulation VII. 1799, and by the delays which have occurred in bringing portions of estates to sale for the recovery of arrears outstanding at the close of the year. With a view, therefore, to explain and amend the rules contained in the above regulations; to extend, under restrictions, to the provinces of Bengal, Behar, and Orissa, the rule established in Benares by Section 22, Regulation V. 1800, for the distress and sale of the personal property of defaulting landholders and farmers, when necessary for the recovery of arrears of revenue, or other public demands; also to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation XXV. 1793, (extended to Benares by Regulation XXVI. 1795,) for the division of joint estates and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation VII. 1793, as authorizes the separation of certain *talooks* from the *zemindarees* to which they were attached at the time of the decennial settlement; the Governor General in Council has enacted the following rules, to be in force as soon as promulgated throughout the provinces of Bengal, Behar, and Orissa; and, in the province of Benares, as far as they are declared applicable to that province.

Collectors not to attach estate or farm of any proprietor or farmer for arrears in the three first months of the year, without orders from the Board of Revenue; nor subsequently without such orders, except in particular cases.

II. By clause first, of Section 23, Regulation VII. 1799, proprietors and farmers of land assessed with the public revenue, who may not discharge the monthly instalment of revenue demandable from them on or before the first day of the succeeding month, are made liable to the payment of interest on the amount of the arrear due from them at the rate of one per cent. per mensem; and by clause second, of the same section and regulation, it is enacted, that if the arrear so due, principal and interest, shall not be discharged on the written requisition

requisition prescribed in Section 3, Regulation XIV. 1793; (which allows a reasonable time for conveying the money to the public treasury according to the distance of the estate or farm of the defaulter;) nor assurance given for the immediate payment of it, to the satisfaction of the collector; he shall proceed without delay to attach the estate of the proprietor from whom the arrear may be due, or such portion thereof as he may consider fully sufficient to make good by a sale the arrear due, with interest; or, if the arrear be due from a farmer, shall proceed without delay both to attach his farm and arrest his person (as well as the person of his surety, if he have given security) in the mode prescribed by Sections 5. and 6, Regulation XIV. 1793. But clause seventh, of the same section and regulation, authorizes and directs the collectors to suspend the exercise of the above powers, in cases of drought, inundation, or other calamity of season; as well as in all cases where the cause of failure may not have originated in the neglect, mismanagement, or misconduct of the defaulter. The collectors were at the same time required, in all such cases, to report the circumstances to the Board of Revenue, and to be guided by their instructions; under which provision, and the discretion so vested in the collectors, it was expected that they would suspend the attachment of estates and farms, and report the case to the Board of Revenue, in all instances wherein, from inquiry made by them, or information given to them, there might be ground to believe that the failure was not wilful; or had not originated in the neglect, mismanagement, or misconduct of the defaulter. But few such reports have been received from the collectors by the Board of Revenue, although many instances of the nature referred to must have occurred since the promulgation of Regulation VII. 1799; particularly in the early part of the year, whilst the landholders and farmers are adjusting their *mofussil* settlements for the year; at which period it must be highly inconvenient and injurious to the landholders and farmers that their lands and farms should be attached by the officers of Government. It is therefore hereby enacted, that no collector shall attach the estate or farm of any proprietor or farmer of land for arrears of revenue during the three first months of the Bengal, Fussily, or Willaity year, (according to the era current in the several *zillahs*), without the express sanction and order of the Board of Revenue, on a report of the case to be made to them by the collector: nor shall the attachment be subsequently made without such sanction and order, unless the collector shall judge the same expedient, with a view to induce payment of the arrear by the defaulter; or to prevent his misappropriation of the remaining rents of the year; or to obtain accurate information of the assets of the estate for the purpose of disposing of a portion of it by public sale at the close of the year; in either of which cases, the attachment is to take place, after the third month of the year, under the several provisions of Regulation VII. 1799; except that whenever the attachment may be judged advisable for the purposes above stated, the whole estate shall be attached, instead of a portion thereof, as authorized by clause second, of Section 23, Regulation VII. 1799. Provided further, that the exception from the rule for attachment during the three first months of the year shall not be considered applicable to attachments made in the preceding year, and continued after the expiration of it with a view to the lands being brought to sale for the recovery of the arrear due from them: and whenever the collectors and Board of Revenue may not judge it expedient to attach the lands for the purposes above recited, but shall be of opinion that the public revenue is wilfully withheld by the defaulter, or that the arrear is ascribable to his neglect, mismanagement, or misconduct, it shall be competent to the Board of Revenue to impose a penalty of one per cent. per mensem on the arrear, in addition to the prescribed interest, to be paid from the time when the arrear may have become due until it be discharged; or until the estate or farm of the defaulter may be attached, (in which case the additional penalty in lieu of attachment is to cease,) and to be levied in like manner as the interest is directed to be levied, viz. in the same manner as other revenue demands are enforced under the existing regulations. In all cases where the collectors may not judge it advisable to attach the estate or farm of the defaulter for an arrear of revenue, and where the result of the fullest enquiry they may be able to make in such cases, shall induce them to believe the arrear wilful, or owing to the neglect, mismanagement, or misconduct of the defaulter, they are to report the same, with a summary of the inquiry made by them, to the Board of Revenue; in like manner as they are already required by clause seventh, of Section 23, Regulation VII. 1799, to make such report to the Board of Revenue, in cases wherein they may judge it proper to suspend the attachment of estates or farms in arrear, or to suspend the demand of interest upon arrears, on account

The entire estate to be attached instead of a portion thereof, when attachment may be deemed advisable.

Exception from the rules of attachment during the three first months of the year not applicable to attachments made in the preceding year, and continued after its expiration for the purpose of bringing the lands to sale.

Collectors to report to the Board of Revenue, when they may deem attachment for arrears unadvisable. Board empowered to levy a penalty of one per cent. per mensem on the arrear, in addition to the prescribed interest, in lieu of attachment, to continue until the arrear be paid or the estate be attached.

count of any calamity of season or cause of failure not originating in the neglect, mismanagement, or misconduct of the defaulter. The report so required, is still to be made by the collectors, whenever they may not carry into execution the general rule for attachments, after the expiration of the third month of the year; but as a full discretion is now vested in them (subject to the control of the Board of Revenue) for suspending the enforcement of that rule in all cases where they may judge the same expedient; it is expected that they will be particularly careful to inform themselves as far as possible, in all instances of arrear, of the real cause of arrear, whether want of good faith on the part of the defaulter, or actual inability from a failure in his rents or otherwise; so that the proper remedy may be applied to the ascertained circumstances of the case; and neither the public interests be injured by unmerited indulgence, or those of the individual suffer from undue severity. When the collectors, from the reports of their *mofussil* officers, or from other information obtained by them, may have good reason to believe that a defaulter has done his utmost to pay his revenue, but has been prevented by real inability, not proceeding from any personal deficiency, the attachment of his lands, whilst productive of expense and inconvenience to him, can produce no adequate advantage to Government. On the other hand, if it be known that the defaulter has the means of making good his arrear; or that the attachment of his lands will afford assets for the payment of it, which might otherwise be misappropriated; the attachment would be evidently just and expedient; and whatever expense, or other consequences might arise from it to the defaulter, would be chargeable to his own misconduct. The local officers of Government can alone make this discrimination; and the Board of Revenue, in their reports to the Governor General in Council, upon the *tonjee* accounts of the collectors, are required to notice their attention or otherwise to this important part of their duty.

Report required by clause twenty, of Section 23, Regulation VII. 1799, to be made by the collectors whenever they may not think proper to carry into execution the general rules for attachment at the end of the third month of the year.

Collectors to be careful to ascertain the real cause of arrears.

Board of Revenue, in their reports on the *tonjee* accounts, to notice the attention of the collectors to this part of their duty.

III. By clause fourth, of Section 23, Regulation VII. 1799, defaulting proprietors and farmers of land, whose estates or farms may be attached under that regulation, are required to furnish the collectors with any accounts that may be demanded from them, and which may be in their possession, relative to the* jumma *collections, and outstanding balances of the current year, or of preceding years; as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the collector, or the* amen *or other officer appointed by him to make the attachment. But the penalties enacted for noncompliance with the above rule, having in some instances proved insufficient to cause the delivery of the requisite accounts, without which the attachment must be nugatory; the Governor General in Council hereby declares, that in such cases, provided it shall appear to his satisfaction, from the reports of the collectors and Board of Revenue, that the prescribed written requisition has been issued and has not been complied with, he will avail himself of the power reserved to him by clause eight of the section and regulation above mentioned, to order an immediate sale of the lands and other property of the defaulter for the recovery of the arrears due from him.*

The lands and other property of defaulting proprietors and farmers, when on their lands and farms being attached, shall refuse to deliver up their accounts as required by clause fourth, of Section 23, Regulation VII. 1799, to be sold for the recovery of the arrears.

IV. Instances having occurred, in which, from the very small extent of certain estates, from their dispersed situation and inconsiderable produce, it has been found impossible to attach them without an expense altogether disproportionate to the arrear and value of the estates; the proprietors of which have in consequence withheld the amount due from them, though well able to discharge it; to provide for such cases, the Board of Revenue are hereby vested with authority to order the distress and sale of the personal property of defaulters, as far as may be necessary for the recovery of arrears of revenue or other public demands, whenever, from the reports of the collectors or other information before them, they may consider it just and expedient to have recourse to this mode of recovery, instead of attaching the lands of the defaulters: and whenever such distress and sale may be ordered by the Board of Revenue, it is to take place in the mode prescribed for the distress and sale of the personal property of under-tenants for arrears of rent; under a strict observance of the rules established for this purpose by Regulation XVII. 1793, XXXV. 1795, and VII. 1799, or any future regulation on the subject. Provided, that this special rule be considered applicable only to the particular cases above referred to, in which the general rule for attachments cannot with

Board of Revenue empowered in certain cases to cause the distress and sale of personal property of defaulting proprietors.

Rules for the distress and sale of the personal property of under-tenants to be strictly adhered to in the exercise of this power.

* Rescinded by clause first, Section 2, Regulation XI. 1822.

Collectors not to exercise this power without the express sanction of the Board of Revenue, on applying for which they are to make a report of all the circumstances.

The rules in this section confined to Bengal, Behar, and Orissa.

facility be put in execution; and be not in any instance understood to vest the collectors with authority to sell the personal property of any proprietor of farmer or land paying revenue to Government, without the express sanction of the Board of Revenue. In applying for such sanction, the collectors are to make a full report of the circumstances under which they may judge it advisable to have recourse to the special rule contained in this regulation; and are to state any pleas which may have been offered for the arrear, with their opinion whether the same are well founded or otherwise. Provided further, that nothing in this section, the operation of which is restricted to the provinces of Bengal, Behar, and Orissa, shall be considered applicable to the province of Benares: where the rule for the distress and sale of personal property contained in Section 22, Regulation V. 1800, and which has reference to the state of landed property and other circumstances peculiar to that province, is to remain in force as heretofore.

On it being proved to the satisfaction of the Governor General in Council, that a proprietor or farmer of land, whose lands are ordered to be sold, has received the prescribed written requisition, and refuses to deliver up his accounts as required by clause first, of Section 29, Regulation VII. 1799, and by Section 10, Regulation XLV. 1793, the whole of the estate shall be sold instead of a portion thereof.

V°. By clause first, of Section 29, Regulation VII. 1799, and by Section 10, Regulation XLV. 1793, therein referred to, proprietors and farmers of lands ordered for sale, are required to attend the collector, or the ameen or other officer appointed by him; or if the collector shall require the attendance of an agent, to cause the attendance of such agent; with any accounts of the jumma *and collections of the lands ordered to be sold, or of the estate of which such lands form a part, that may be requisite for the purpose of adjusting the public assessment upon the portion of the estate to be disposed of. But the fine prescribed for noncompliance with such requisitions has in many instances proved ineffectual; and the accounts required for adjusting an allotment of the fixed assessment upon portions of estates, to be disposed of in conformity to the regulations, being withheld by the defaulting landholders, who, at the same time, with a view to impede the sale of their estates, have withdrawn or neglected to appoint the village* putwarees *required by the regulations; it has been found impossible in such cases to allot the assessment to the ascertained produce of the lands, without considerable delay; whereby not only the punctual realization of the public dues is prevented, but the ends proposed by postponing the sale of lands for arrears of revenue till the end of the year under the provisions contained in Regulations VII. 1799, and V. 1800, are in a great degree defeated. To secure, therefore, the objects of the above regulations; which, by postponing the public sales of lands for arrears of revenue till the close of the year, had in view the ease and advantage of the land-proprietors and their tenants; and to provide against undue impediments in the sale of portions of estates by the misconduct of the proprietors; on whose account alone it can ever be proposed to sell a portion of an estate to liquidate an arrear of revenue for which the entire estate is responsible; it is hereby declared, that whenever it shall be established by the reports of the collectors and Board of Revenue, and the evidence taken by them, to the satisfaction of the Governor General in Council, that any proprietor of land has received the prescribed requisition for the accounts actually kept by him, or by his agents for him, of his estate, or of the portion of his estate which may be proposed for public sale, and that such proprietor has refused or wilfully neglected to furnish the accounts required for adjusting an allotment of the assessment of his entire estate upon the portion proposed to be sold, the Governor General in Council will order the immediate sale of the whole estate, instead of a portion of it, as intended, in satisfaction of the demand to be recovered. Provided, that in such cases, the sale shall be made, after advertisement, in conformity to the general rules for sales of land; and if the proprietor at any time antecedent to the fixed day of sale, shall deliver the accounts required from him, or otherwise conform to the requisition made to him, the actual sale of the entire estate shall not take place; but instead thereof, and as a punishment to the defaulter for his withholding the accounts in his possession, it shall be competent to the Governor General in Council to impose such fine as he may judge proper, on consideration of all the circumstances of the case; in addition to any fine that may have been previously imposed upon the defaulter, in conformity to clause first, of Section 29, Regulation VII. 1799, or any other existing regulation, such fine to be levied by the same process as is prescribed for the recovery of arrears of revenue. Provided further, that if in any case a proprietor of land, required to produce the accounts of his estate for the purpose of adjusting*

Should the proprietor at any time previously to the day of sale conform to the requisition, the sale of the entire estate shall not take place; but it shall be competent to the Governor General in Council to impose a fine on him, in addition to any that may have been imposed under clause first, of Section 29, Regulation VII. 1799.

Should the proprietor by withholding the accounts cause his entire estate to be

Section 5, 6, and 7, rescinded by clause first, Section 3, Regulation XI. 1822.

justing

justing the public assessment upon a portion of it for sale, shall, by pertinaciously withholding such accounts, voluntarily cause the sale of his entire estate, under the provision now made for such cases, the surplus produce of the sale, after discharging all demands for which the sale may be ordered, with the charges of sale, shall be paid to the late proprietor notwithstanding his default; unless otherwise specially directed; as provided in similar cases by Sections 4. and 5, Regulation V. 1796.

held, the surplus after all deductions shall be paid to him notwithstanding his default, unless otherwise specially directed, as provided by Sections 4. and 5. Regulation V. 1796.

VI. By Section 2, Regulation V. 1796, it is required, in all cases of public sales of land, that the collector, or other officer to whom the sale may be committed, shall be careful to select such lands as may appear likely to sell for the amount to be recovered by the sale and no more. The unqualified operation of this rule has been found prejudicial to the public interests in the subdivision of small estates; as well as to the proprietors of such estates by parcelling them in lots so inconsiderable as to prevent a competition for the purchase of them. It is therefore hereby enacted, that whenever it may be necessary to have recourse to a public sale of land for the recovery of an arrear of revenue, or other public demand; and the total sudder jumma *or annual assessment of the estate shall not exceed five hundred sicca rupees, instead of selling a portion of such estate in conformity to the rule above mentioned, the Board of Revenue are authorized, if they shall judge the same advisable, to sell, or cause to be sold in the mode prescribed by the regulations, the entire estate in one lot; and if the amount offered shall exceed the sum due, with interest, and the charges of sale, the overplus is to be paid to the former proprietor, (unless by any special order it may be otherwise directed,) as provided by Section 5, of the regulation above mentioned. The Board of Revenue are also authorized, whenever the amount to be recovered by a sale of land shall bear such proportion to the computed value of the whole estate as may be calculated to leave only an inconsiderable surplus on the sale of the entire estate, to make or cause to be made the sale of the entire estate, in the manner prescribed by the regulations, though the total annual assessment should exceed the sum of five hundred sicca rupees above limited. In such cases, the value of the lands for sale is to be computed from the best information procurable of their produce and extent, compared with the amount of the assessment upon them, and the current value of similar lands.*

Board of Revenue empowered to cause the sale of estates of which the sudder jumma does not exceed five hundred sicca rupees; and in certain cases, estates of higher value in one lot; the surplus produce to be paid to the former proprietor.

VII. In explanation of the rule contained in Section 3, Regulation V. 1796, for the public sale of estates of considerable extent in distinct lots, it is hereby declared, that this rule is not meant to require the division and distinct allotment of a pergunnah, turuf, *or other established local division. On the contrary, all established local divisions of known limits are, as far as possible, to be preserved entire in every public sale of lands; and to regulate in general the subdivision of landed property, when an estate may be divided at the public sales, and a portion disposed of as a distinct estate.*

Rule contained in Section 3, Regulation V. 1796, not meant to require the division and distinct allotment of a pergunnah, turuf, *or other established division.*

Such divisions to be preserved entire in all sales as far as possible.

VIII. Section 10, Regulation I. 1793, prescribes the general rule and principle for the allotment of the fixed assessment upon all divisions of estates, whether publicly sold, or transferred by the private act of the proprietors, viz. that the assessment upon the portion of the estate to be separated, shall bear the same proportion to its actual produce, as the fixed assessment upon the whole estate may bear to its actual produce. This rule is to be strictly observed in all cases, whether of public sale, or private transfer, or of division between sharers, heirs, or joint proprietors of whatever description; and it is hereby explained, that by the term "actual produce," is to be understood the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent or other gross produce, the actual expense of collection, and other usual charges of management; inclusive of *poolbundy* or the expense of embankments, and similar incidental expenses, where such may be paid by the proprietor from his gross receipts; but exclusive of his *malikanah* or proprietary income, and all other personal appropriations of the gross produce of his estate, as such can have no claim to consideration in determining the neat produce for an equal division of landed property; or for the allotment of the public assessment thereto in conformity to the prescribed rule. But the above regulation further provides, that the produce to which the general rule of proportion is to be applied, shall be ascertained in the mode that is or may be prescribed by the Governor General in Council; and the *putwaree* accounts furnished in pursuance of clause fourth, of Section 62, Regulation VIII. 1793, for the allotment of the public revenue, agreeably to the principles laid down in Regulation I. 1793, having in many instances proved fallacious or unsatisfactory; and in some instances not being procurable by the

Section 10, Regulation I. 1793, to be strictly observed in all cases of public sale, and private transfer or division.

Explanation of the term "actual produce."

Officer to whom the allotment of the assessment of a portion of an estate may be remitted, how to proceed, should he suspect the accuracy of the *putwarree* accounts, or should they not be forthcoming.

the officers of Government; it is hereby enacted, that whenever the collector, or other public officer, to whom the allotment of the assessment upon the portion of an estate may be committed, shall have reason to suspect the accuracy of the village accounts produced by a *putwaree*, in pursuance of clause fourth, of Section 62, Regulation VIII. 1793, or of any other regulation; or if such accounts shall be found to have been fabricated, or altered, or not to be the true accounts, under the process prescribed in clause eighth, of the above section and regulation; or, if in any case the true village accounts of the lands, rents, receipts, and disbursements, may not be forthcoming; but the collector or other officer, under the powers vested in him by clause first, of Section 29, Regulation VII. 1799, or any other regulation, shall have obtained satisfactory accounts for the three past years, of the lands and rents of the entire *zemindaree*, taluck, or other estate, with a specification of the *mohaul* or *mohauls* proposed to be separately assessed; he shall adjust the assessment upon such *mohaul* or *mohauls*, under the general rule of proportion, according to the average neat produce (as above explained), ascertainable from the general accounts of the estate so obtained, without further regard to the village accounts than may appear to him proper, with a view to compare and check the other accounts. Provided, however, that in all cases, the collector or other officer shall adopt every authorized measure to obtain the most accurate accounts procurable; and shall fully satisfy himself that the accounts, from which he may compute the neat produce of an estate to be divided and distinctly assessed, are sufficiently accurate to prevent any risk of loss to Government from the proposed allotment of the assessment; without evidence of which no distinct assessment is to be proposed by any collector, or approved by the Board of Revenue. Provided further, that nothing in this regulation shall be understood to authorise the collectors to fix the amount of the assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of, without the sanction of the Board of Revenue; or to alter the provisions made for the correction of error or collusion in such allotments by Section 25, Regulation XXV. 1793, in cases of private divisions of estates; and by clause second, of Section 29, Regulation VII. 1799, in cases of public sales. Moreover, nothing in this regulation is meant to supersede the rules contained in Section 62, Regulation VIII. 1793, respecting the village *putwarees*; and, with a view to render the same more effectual, clauses third, fourth, *fifth*, sixth, *seventh*, and eighth of the above section, are hereby declared to be equally applicable to all other descriptions of native agents employed by the landholders in the management of their estates, or in keeping any accounts of their lands, rents, receipts, or disbursements. If any such agent shall be convicted in the *sillah* court of having collusively fabricated or altered the accounts delivered by him, or of having wilfully delivered any other than the true accounts; the offender, besides the punishment for perjury to which he will be liable under clause eight, of the above section, shall be subject to dismission from the service of the party employing him, by order of the court: and such party shall be positively prohibited from again employing the offender, under whatever penalty the court may think proper to fix, upon consideration of the circumstances of the case.

Nothing in this Regulation to be understood to authorise the collectors to fix the amount of the assessment on a portion of an estate, without the sanction of the Board of Revenue; or to alter the provisions of Section 25, Regulation XXV. 1793, and clause second, of Section 29, Regulation VII. 1799.

Rules in Section 62, Regulation VIII. 1793, respecting the village *putwarees*, not superseded by this Regulation.

Clauses third, fourth, fifth, sixth, seventh, and eighth, of that section, extended to all native agents employed by landholders in the management of their estates.

Any native agent convicted in a *sillah* court of altering accounts, or not delivering the true ones, to be dismissed from the service of the party employing him, and such party prohibited from employing him again under penalty.

Collectors to lose no time in submitting the necessary statements of lands for sale, in order that the sale may take place within the first or second month after the expiration of the year for which the arrear may be due.

IX. Whenever it may be requisite to dispose of the whole of an estate by public sale for the recovery of an arrear of revenue, and it may not be necessary from the large extent of the estate, or otherwise, under the provisions contained in Regulation V. 1796, and Sections 6. and 7, of the present regulation, to dispose of the estate in two or more lots; there can be no difficulty in bringing the estate to sale immediately on the expiration of the year for which the arrear may be due, in conformity to Section 23, Regulation VII. 1799, and Section 26, Regulation V. 1800; as in such cases no allotment of the assessment is required, and it will be sufficient in the statement to be exhibited at the time of sale, to specify the name of the estate, the *mohauls* composing it as entered in the last-formed public register of estates, and the fixed assessment thereupon. Under the foregoing provisions, and those already made by Regulations VII. 1799, and V. 1800, for the attachment of the lands antecedent to the public sale of them; it is further expected that the collectors will be enabled, without any considerable delay, to adjust the assessment upon the portion of an estate proposed to be sold; and to transmit to the Board of Revenue the statement required by clause second of Section 29, Regulation VII. 1799, to be exhibited at the time of sale in such cases, viz. specifying the *mohaul* or *mohauls* to be sold; their computed rent produce; and the allotment of the *sudder jumma* thereto, in conformity to Section 10, Regulation I. 1793. It may therefore be presumed, that all sales of land for arrears of revenue will here-

after take place within the first, or at the latest the second month after the expiration of the year for which such arrears may be due: but as instances may occur under clause eighth, of Section 23, Regulation VII. 1799, or some of the provisions in the present regulation, wherein the sale may take place after the second month of the year, and when the proprietor, antecedent to the attachment of his lands for sale, may have granted leases for the current year to farmers, *ryots*, or other tenants; or may otherwise have concluded a settlement with his under-renters for the current year; the Governor General in Council, with a view to obviate any hardship which such under-renters or tenants might sustain from the immediate operation of Section 5, Regulation XLIV. 1793, and Section 3, Regulation III. 1796, and to promote the general encouragement of agriculture, hereby enacts, that, in such cases, the operation of the two sections above mentioned, whereby on a public sale of lands for the discharge of arrears of the public assessment, the engagements, *pottahs*, and leases of the late proprietor (with certain exception) are cancelled from the day of sale, shall be suspended till the close of the Bengal, Fussily, or Willaity year in which the sale may have taken place; and the purchaser during such period shall not be entitled to demand from any under-renter or tenant, of whatever denomination, more than the late incumbent could have legally demanded. Provided, however, that this suspension be not considered applicable to any engagements, *pottahs*, or leases, evidently collusive; nor in any case, unless the sale shall have taken place after the second month of the year according to the era current in the province wherein the lands may be situated.

Operation of Section 5, Regulation XLIV. 1793, and Section 3, Regulation III. 1796, suspended in certain cases.

Suspension not to take place when the engagement is evidently collusive, nor unless the sale shall have taken place subsequently to the second month of the year according to the era current in the district.

X. All purchasers of lands at the public sales are required to attend the collector of the district wherein the lands may be situated, either in person or by their representatives duly authorized, and to execute the usual *coboolaut* and *kuthbundy* for the public revenue assessed upon the lands purchased by them. In cases of doubt as to the real purchaser, or of suspicion that the purchase has been made in opposition to the rules contained in clauses third and fourth, of Section 29, Regulation VII. 1799, the collector is authorized to cause the personal attendance of the alleged purchaser at his *cutcherree*, if resident within his jurisdiction; or, if the purchaser be resident in any other *villah*, the collector of such *villah* is authorized and required to cause the attendance of the purchaser at his *cutcherree*, on the application of the collector in whose district the lands may lie, and to make any examination or inquiry that may be desired by the latter collector, or by the Board of Revenue; to whom a full report is to be made in such cases for the orders of the Governor General in Council, as directed in clause fourth, of Section 29, Regulation VII. 1799. It is further hereby declared, that the collectors are generally empowered to cause the personal attendance of any landholder or other native inhabitant within their respective jurisdictions, when the attendance of such person may be indispensably necessary for the purpose of any authorized public inquiry; or to enable them to perform any part of their public duty under the regulations or instructions of the Governor General in Council, or Board of Revenue. But no collector shall cause the personal attendance of any landholder or other person, who may appoint an agent duly authorized to attend for him; if the attendants of the agent so appointed shall be sufficient for the purpose required. Any infringement of this rule will subject the collectors to a prosecution for damages in the civil courts; and whenever they may have occasion to exercise the power now declared to be vested in them, they are to issue regular summonses, under their official seals and signatures, specifying the name, designation, and residence of the party summoned, and the purpose or purposes for which his attendance is required.

Collectors authorized to cause the attendance of any landholder or other native whose attendance may be required.

Not to enforce personal attendance of a principal, provided that of an authorized agent will be sufficient.

Collectors subject to prosecution for damages for any infringement of this rule.

Regular summonses under the seal and official signature of the collector to be issued to persons whose attendance may be required by him.

XI. Under the provisions for the sale of entire estates, and assessments of portions of estates, made by this regulation, it can seldom, if ever, be necessary to sell for the recovery of an arrear of revenue a fractional portion of an estate, such as an eight annas, four annas, or other proportion, to be held in joint partnership, or common tenancy, without a previous division of the land, or distinct assessment of the revenue thereupon; and as such sales must depreciate the value of the property sold, from the uncertainty of the assessment, and responsibility attached to the share of a joint undivided estate, no sale of this nature shall hereafter take place for the discharge of an arrear of the public revenue, without the express sanction of the Governor General in Council on a report of any particular case which may appear to require it. The public sale of a share in a joint undivided estate may however in some instances be necessary under decrees of the courts of judicature, or otherwise; and whenever such sales may take place, they are to be made*

No fractional portions of an estate to be sold as joint undivided property, without the express sanction of the Governor General in Council.

Sales of this nature when necessary under decrees of the courts of justice or otherwise, to be made under the provisions of Regulation XXV. 1798, and other regulations applicable to joint estates in general.

* Rescinded by clause first, Section 2, Regulation XI. 1822.

under

under the provisions applicable to joint estates in general, as set forth in Regulation XXV. 1793, or any other existing regulation.

All the provisions of Regulation XXV. 1793, explained to be applicable to joint estates held in common tenancy.

XII.† *Doubts having arisen as to what descriptions of joint estates the several provisions contained in Regulation XXV. 1793, were meant to be applied, it is hereby explained, that the whole of the said provisions are applicable to joint estates held in common tenancy, viz. where all the sharers have a common right and interest in the whole of the estate, without any separate title to distinct lands or* mohauls *forming part of the estate held under one general assessment. Many of these provisions, however, such as those which direct a compact division of the lands, the selection of lands of equal value for the several shares, and other circumstances relative to an equal partition of the estate, have evidently an exclusive reference to the division of landed property between tenants in common, or copartners with equal rights in every part of the estate; and cannot be applied to portions of estates, consisting of specific* mohauls, *or lands, held by purchase or otherwise from the former proprietor, and separable from his estate under the regulations, subject to a proportionate allotment of the public assessment conformably to the rules prescribed in Section 10, Regulation I. 1793; but remaining annexed to the original estate, in conformity to that section, until the distinct assessment of the separable portion shall have been adjusted and separately engaged for, as therein provided. In such cases the provisions in Regulation XXV. 1793, which respect the adjustment of the assessment in conformity to Regulation I. 1793, the accounts to be delivered and examined for this purpose, the responsibility of the whole original estate until a distribution of the assessment shall have been finally determined, and Section 25, reserving to the Governor General in Council the power of ordering a new allotment of the assessment, in the event of its being proved to his satisfaction within three years that the allotment made was fraudulent or erroneous, are alone to be considered applicable; with the further provisions contained in Section 8, of the present regulation. But all new allotments of the assessment in the cases here referred to, as in all other cases whatever, are to be reported for the sanction of the Board of Revenue; and are not to be deemed conclusive or valid till confirmed by that Board; or, in the event of any reduction of the fixed assessment, till approved by the Governor General in Council.*

The provisions in Regulation XXV. 1793, respecting the adjustment of the assessment in conformity to Regulation I. 1793, with the further provisions contained in Section 8, of the present regulation, are alone applicable to the case of a specific mohaul being sold or transferred.

No new allotments to be held valid, until confirmed by the Board of Revenue, or in case of a reduction of the jumma, by the Governor General in Council.

XIII. First. *Some of the rules contained in Regulation XXV. 1793, for the division of joint estates in common tenancy, having been found productive of delay in the partition of such estates, the following rules are prescribed in addition thereto, and in qualification of the original rules referred to.*

Additional rules for the division of joint estates in common tenancy.

Second. *On receipt of the written application specified in Section 3, Regulation XXV. 1793, from all the proprietors of a joint undivided estate, the collector, instead of forwarding such application to the Board of Revenue, and waiting their sanction to make the division applied for, shall at once proceed to make the division in the prescribed mode, reporting the same for the information of the Board of Revenue.*

Collectors on receipt of the application specified in Section 3, Regulation XXV. 1793, to proceed to make a division of the estate without waiting for the sanction of the Board of Revenue, reporting it however to them.

Third. *On receipt of the written application specified in clause first, of Section 4, Regulation XXV. 1793, from one, two, or more of the proprietors of a joint undivided estate, the collector shall also proceed to make the division applied for, in the prescribed mode, reporting the same for the information of the Board of Revenue; unless the person or persons in possession of any part of the estate shall deny the right of the party or parties applying for the division, in the form required by Section 5. of the above regulation, in which case the collector is not to proceed to the division until the disputed title be established or admitted, as prescribed by the section in question.*

To proceed in the same manner on receipt of the application specified in clause first, of Section 4, Regulation XXV. 1793.

Fourth. *On receipt of the* ameen's *report upon the division of the lands and allotment of the assessment required by Section 18, Regulation XXV. 1793, the collector shall, as speedily as possible prepare the partition statement prescribed in Section 19, of the above regulation; and furnish the sharers with copies of it as therein directed. In the event of the whole of the sharers, by a written declaration under their seals and signatures, and attested by four credible witnesses, declaring their satisfaction with the partition statement so communicated to them; or in the event of none of the sharers offering any objection thereto within fifteen days after they shall have respectively received the copies delivered to them; the collector, on receipt of the general declaration of satisfaction in the former case, or in the latter, on the expiration of the period above stated, shall proceed to put the parties in possession of their respective shares, reporting the same to the Board of*

On receipt of the report of the ameen on the division of lands required by Section 18, Regulation XXV. 1793, collectors to furnish the sharers with a copy of the statement required by Section 19. of the same regulation.

On their declaring themselves satisfied with the partition, collector to proceed to put them in possession of their respective shares.

† Sect. 12. and 13. are rescinded by Section 2, Regulation XIX. 1814, and clause first, Section 3, Regulation XI. 1822.

Revenue; and submitting to them a copy and translation of the partition statement and allotment of the assessment. But such allotment of the assessment shall not be deemed conclusive until it shall have been confirmed by the Board of Revenue, who are authorised to make any alterations therein which may appear to them necessary for the purpose of carrying into effect the proportionate rule of allotment prescribed in Section 10, Regulation I. 1793; and Section 8, Regulation XXV. 1793.

Collector has to proceed in case of objections to the partition.

Fifth. *In the event of any objections to the partition of the statement being offered by the sharers, or any one of them, within the period of fifteen days specified in the preceding clause, the collector is not to put the parties in possession; but is to transmit without delay a copy and translation of such objections to the Board of Revenue; together with a copy and translation of the partition statement; and of the whole, or such part of the ameen's report as may be applicable to the points objected to; and such further information as may be necessary to enable the Board to form a satisfactory opinion of the case. Sections 19, 20, and 21, of Regulation XXV. 1793, are to be applied to the determination of the Board of Revenue in such cases, but with the following qualifications, viz. The report required to be made by Section 19, to the Governor General in Council shall be discontinued, except in cases of appeal; or of a reduction of the fixed assessment; secondly, the period fixed by Section 20, for an appeal to the Governor General in Council, from the determination of the Board of Revenue, shall be hereafter limited to one month from the communication of their decision to the parties; and thirdly, in the event of the partition proposed by the collector being confirmed by the determination of the Board of Revenue, the collector shall proceed to put the parties in possession according to such decision, notwithstanding the appeal to the Governor General in Council; subject to such alterations in the division of the lands, or allotment of the assessment, as may be ordered by the ultimate decision of the Governor General in Council.*

Board of Revenue to decide on the objections, except in cases of appeal or of reduction of the fixed assessment, when the decision is to rest with the Governor General in Council.

Period for appeals limited to one month.

In the event of the division being approved by the Board of Revenue; the collector to proceed to put the parties in possession, notwithstanding that an appeal may be made to the Governor General in Council.

Sixth. *No objections from the sharers to the partition communicated to them by the collector in the first instance shall be received by the Board of Revenue after the prescribed period of fifteen days, without good cause for the delay being shown to their satisfaction; nor will any appeal from the determination of the Board of Revenue be admitted by the Governor General in Council after the limited period of one month, unless he shall be entirely satisfied with the cause assigned for not having preferred the appeal to him within that period.*

No objections to the partition made by the collector shall be received by the Board of Revenue after fifteen days, unless good cause be assigned for the delay; nor by the Governor General in Council from the decision of the Board of Revenue after one month, except on the same grounds.

Seventh. *Whenever the objections to the collector's partition, which may be preferred to the Board of Revenue, or the appeal from the determination of that Board to the Governor General in Council, shall clearly appear to be groundless, vexatious, and litigious, it shall be competent to the Board of Revenue in the former case, and in the latter to the Governor General in Council, to impose such fine upon the defaulter as may be deemed proper on consideration of the circumstances of the parties and nature of the case. Such fine shall be recovered by the same process as is prescribed for the recovery of arrears of revenue.*

Governor General in Council, or Board of Revenue, when objections appear groundless, vexatious, or litigious, to impose a fine on the defaulter.

Eighth. *If any of the sharers in a joint undivided estate shall by withholding the requisite accounts and papers, or by any other voluntary act, impede or oppose the division of the estate, when the same may have been ordered and proceeded upon in the mode prescribed by the regulations, the party or parties so offending shall on the report of the collectors and Board of Revenue, be liable to such fine as the Governor General in Council, on consideration of the circumstances of the case, may judge proper to impose, and the fine so ordered shall also be levied in the mode prescribed by the regulations for the recovery of arrears of revenue. It is hereby further explained, that whenever a daily fine may be imposed, under any part of the regulations, for the purpose of causing the delivery of accounts or otherwise; and such fine may be imposed in the first instance by the collectors, or by the Board of Revenue, subject to the confirmation of the Governor General in Council; the operation of such daily fine, provided it be approved by the Governor General in Council, or of such part thereof as may receive his approbation, shall commence from the date when the fine may have been first notified to the party on which it is imposed; unless, in any case, it should be otherwise ordered by the Governor General in Council; or be otherwise provided by the original order of the collector or Board of Revenue.*

Governor General in Council will impose a fine on any person withholding accounts or otherwise obstructing the division of an estate.

Daily fine for causing the delivery of accounts or otherwise to commence from the date when it may have been first notified to the parties, unless otherwise ordered or provided.

XIV. The rules contained in Regulation VIII. 1793, for the separation of certain *talookdars*, the actual proprietors of the lands composing their *talooks*, from the *zemindarees*

All talookdars who may consider themselves so-

entitled to have their *talooks* separated to apply to the collector of the *zillah* within one year from the date of this regulation, after which period no *talook* will be considered separable, unless such application shall have been made.

to which they were attached at the period of the decennial settlement, having been construed to entitle *talookedars* of that description, who did not apply for separation at the time of the decennial settlement, to be separated on their application at any subsequent period; and it being necessary for the security of purchasers at the public sales that some period should be fixed for the operation of the above rules, to prevent their being at all times liable to deprivation of a part of their purchases; it is hereby required, that all *talookedars* who as proprietors of the lands composing their *talooks*, may consider themselves entitled under Section 5, Regulation VIII. 1793, or any other part of that regulation, to be separated from the *zemindarees* to which their *talooks* are attached, shall prefer a written application to the collector of the *zillah* in which their *talooks* may be situated for the separation thereof, within one year from the date of this regulation, under penalty of forfeiting all title to separation under Regulation VIII. 1793, if they shall omit to apply as directed within the prescribed period; at the expiration of which the operation of the section above-mentioned shall be considered extinct with regard to all *talooks* for which no claim to separation may have been then preferred; and such *talooks* shall thereafter be considered as dependant *talooks*, not entitled to be separated from the *zemindarees* to which they may be attached; though in other respects the rights of the *talookdars* are not meant to be in any degree affected by this regulation. It is further hereby declared, that the rules regarding separable *talooks* contained in Regulation VIII. 1793, were never meant to be applied to any new *talooks* constituted since the period of the decennial settlement. By Section 9, Regulation I. 1793, the *zemindars* and all other proprietors of land have been declared at liberty to transfer by sale, gift, or otherwise, their proprietary rights in the whole or any portion of their respective estates; but by Section 10, of the same regulation, it is required that all such transfers be notified to the collector of the *zillah*, that the fixed *jumma* assessed upon the whole estate may be apportioned on the several shares in the manner therein prescribed; that the names of the proprietors of each share, and the *jumma* assessed thereon, may be entered upon the public registers; and that separate engagements for the payment of the *jumma* assessed upon each share may be executed by the proprietors, who are thenceforward to be considered separate proprietors of distinct estates; but until such notification and separation shall have been made, the whole of the estate is declared responsible to Government for the discharge of the fixed *jumma* assessed upon it, in the same manner as if no transfer had taken place. This declaration is also repeated in Section 28, Regulation XXV. 1793, which contains the specific rules established by Government for the division of estates paying revenue, and the allotment of the *jumma* upon the several portions thereof. If, therefore, any *zemindar* shall have disposed of his proprietary rights in any portion of his *zemindaree*, subsequently to the promulgation of the regulation above mentioned, whether under the denomination of an independent *talook* or otherwise, and the *talookdar* or other person to whom the portion of an estate may have been so transferred, shall have omitted to obtain a separate allotment of the public assessment thereon, in the mode prescribed by the regulations, such transfer, as far as respects the rights of Government, must be considered altogether invalid; and if the land, so privately transferred, but not separately assessed, should have been since, or shall be hereafter, included in any public sale for arrears of revenue, the illicit and imperfect private transfer must be deemed to have been altogether done away. In such cases the lands transferred, until publicly registered and separately assessed, form part of an undivided estate; and as such are liable to be sold for any arrear of revenue which may be due from any part of the estate. Provided, however, that nothing in this section be considered applicable to dependant *talooks*, or other tenures dependant on the estate to which they are attached, and from which, by their title-deeds or otherwise, they are not entitled to be separated as a distinct estate. Section 6, Regulation XLIV. 1793, authorizes and confirms such tenures, subject to the restrictions contained in Sections 2. and 5. of that regulation; with the explanation of the latter in Section 7, Regulation IV. 1794: and clause fifth, of Section 29, Regulation VII. 1799.

Rights of the *talookdars* in other respects not meant to be in any degree affected by this rule.

Rules contained in Regulation VIII. 1793, regarding separable *talooks*, declared not applicable to any *talook* constituted since the decennial settlement.

Transfer of the proprietary right in portions of estates since the date of Regulation XXV. 1793, without observance of the rules contained in that regulation, and Regulation I. 1793, declared invalid as far as respects the rights of Government.

Nothing in this section to be applied to dependant *talooks*, or other dependant tenures.

XV. The whole of the provisions contained in this regulation, as applied to Regulation VII. 1799, are to be considered equally applicable to Regulation V. 1800, whereby the rules contained in Regulation VII. 1799, were extended to the province of Benares; and in like manner the provisions in this regulation which have reference to Regulation XXV. 1793, are to be considered in force within that province, under the extension of the above regulation to it by Regulation XXVI. 1795.

Rules contained in this regulation as applied to Regulations XXV. 1793, and VII. 1799, equally applicable to the corresponding regulations for the province of Benares.

A. D. 1803. REGULATION XXVI.

A REGULATION *prescribing Rules for the Sale and Division of Lands paying Revenue to Government, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*---PASSED *by the Governor General in Council, on the* 24*th March* 1803; *corresponding with the* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1210 *Fussily; the* 12*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaad* 1217 *Higeree.*

Preamble.

WHEREAS it is provided in Regulation XXVII. 1803, that the lands of defaulting proprietors and farmers of land, who may have entered into engagements with Government for the payment of revenue, as well as the lands of their sureties, shall be liable to be sold for the liquidation of arrears of revenue due from the defaulters to Government: and whereas the Board of Revenue are empowered, by the said regulation, in instances of embezzlement, or misappropriation of the funds from which the public revenue may be payable to Government by any landholder, or in other cases in which it may be deemed advisable to recommend to the Governor General in Council the sale of lands of the defaulter and his surety, under the rules prescribed by this regulation; and whereas the lands of persons paying revenue to Government, as well as the lands of persons holding lands exempt from the payment of revenue, are also liable to be sold in satisfaction of decrees of the courts of justice; and whereas it is necessary that rules should be prescribed for the sale of lands in the cases above stated; and whereas it is essential to the security of the public revenue due from lands paying revenue to Government, that the *jumma* of such lands, whether sold on account of arrears of revenue to Government, or in satisfaction of decrees of the courts of justice, should be adjusted conformably to the principles prescribed in Section 37, Regulation XXV. 1803: and whereas it is expedient, that rules should be established for enabling the officers of Government to apportion the *jumma* of lands assessed with public revenue which may be sold for the purposes above specified, and for empowering the Board of Revenue, the collectors of the revenue, and the courts of justice, to countermand or postpone the sale of lands in the event of the arrears of revenue demandable from the defaulter, or of the amount of the decree, being discharged previously to the sale being made or for other sufficient cause; and whereas it is essential, in dividing landed property paying revenue to Government into two or more distinct estates, that the share or shares, comprised in each estate, should be rendered as compact as circumstances may admit, in order to obviate disputes, equally prejudicial to the interests of the proprietors and of Government, regarding boundaries, water, and other matters, which necessarily result where the lands belonging to different estates circumscribe each other, or are intermixed; and whereas in such cases, justice to the sharers, and the security of the resources of the state, require, that the public revenue should be apportioned on each of the estates into which the property may be divided, agreeably to the rules prescribed in Regulation XXV. 1803; and whereas it is also necessary, for the convenience of the proprietors of two or more estates, which may have originally formed specific and ascertained proportions of the same *zemindaree, talook*, or other tenure, and for preventing the

the divisions of landed property becoming too numerous and minute, that the proprietors of such estates should be allowed to unite them into one estate; the following rules, applicable to the several cases above specified, are accordingly enacted.

Rules for the sale of lands paying revenue to Government, for the recovery of arrears of revenue or other public demand.

Collectors how to act when a sale of lands shall become necessary.

M. The following rules are prescribed for the sale of lands paying revenue to Government, for the recovery of arrears of public revenue, or other public demand.*

First. *When a sale of lands paying revenue to Government, shall become necessary, for the recovery of an arrear of revenue, or other public demand, the collector shall transmit to the Board of Revenue, an accurate statement of the lands proposed to be sold, sufficient to make good the arrear due from the defaulter, and the interest thereon to the time of sale; together with a statement for the allotment of the public assessment on such lands, prepared in conformity to the rules prescribed in Section 37, Regulation XXV. 1803. The rules contained in the section above mentioned are to be invariably and strictly adhered to, in every instance of adjustment of the public revenue becoming necessary upon lands disposed of by public sale.*

Collectors and others to be careful to select only such lands as may be sufficient to produce the amount for which the lands are to be sold.

Second. *The collector, or other officer, to whom a sale of lands may be committed, shall be careful to select for the sale such lands as, from the current value of similar lands considered with all the information he may possess respecting those to be sold, may appear likely to sell for the amount to be recovered by the sale, and no more, with the exceptions specified in the three following clauses.*

Cases in which entire estates may be sold, although more than sufficient to produce the amount for which they are to be sold.

Third. *Whenever it may be necessary to have recourse to a public sale of land, for the recovery of an arrear of revenue, or other public demand, and the total* sudder jumma *or annual assessment of the estate shall not exceed five hundred rupees of the currency in which the settlement of such estate may have been concluded, instead of selling a portion of such estate, in conformity to the rule mentioned in the foregoing clause, the Board of Revenue are authorized, if they shall judge the same advisable, to sell, or cause to be sold in the mode prescribed by this, or any future regulation, the entire estate in one lot. If in such cases, the amount offered shall exceed the sum due, with interest, and the charges of sale, the overplus shall be paid to the former proprietor, unless, by any special order, it may be otherwise directed. The Board of Revenue are also authorized, whenever the amount to be recovered by a sale of land shall be in such proportion to the computed value of the whole estate as may be calculated to leave only an inconsiderable surplus on the sale of an entire estate, to make, or cause to be made, the sale of the entire estate, in the manner prescribed by this or any future regulation, although the total annual assessment should exceed the sum of five hundred rupees above limited. In such cases the value of the lands for sale shall be computed from the best information procurable of their produce and extent, compared with the amount of the assessment upon them, and the current value of similar lands.*

In cases of public sales of lands, distinct mohauls *shall be sold in distinct lots.*

Fourth. *In all cases of public sales, the lands disposed of, if consisting of distinct* mohauls, *separately assessed for the public revenue, shall be sold in distinct lots, according thereto; or though not separately assessed, if the lands to be disposed of be of considerable extent, and so situated that they can, without much delay or difficulty, be divided into distinct lots, they shall be so divided, and sold accordingly; due regard being had, in selecting and assessing the lands so allotted, to the rules laid down in Section 37, Regulation XXV. 1803, as for as the same may be applicable: provided, nevertheless, that nothing contained in this regulation shall be understood to require the division of an estate in instances wherein the proprietor may, by a written application, desire to have the whole sold in one lot, or wherein, from local circumstances, it may appear more for the advantage of the proprietor, that the whole be sold in one lot.*

An estate not to be divided, when the proprietor shall desire to have the whole sold in one lot, or when local circumstances may render a division inexpedient.

Foregoing rule not meant to require the division and distinct allotment of established local divisions.

Fifth. *The rule prescribed in the foregoing clause is not meant to require the division and distinct allotment of a* pergunnah, turuff, *or other established local division. On the contrary, all established local divisions of known limits are, as far as possible, to be preserved entire in every public sale of lands; and to regulate, in general, the subdivision of landed property, when an estate may be divided at the public sales, and a portion disposed of as a distinct estate.*

* Rescinded by clause first, Section 2, Regulation XI. 1822

Sixth.

III. In cases where the lands to be disposed of shall have been divided into separate lots, in the manner directed in clause fourth, Section 2. of this regulation, if the amount bid for the first lot put up, or of any number of lots, less than the whole, be sufficient to make good the sum due, with the costs of sale, the remaining lots shall not be disposed of. But if the amount bid for any lot shall exceed the sum due, and costs of sale, the entire lot shall notwithstanding be disposed of, and the excess, above the sum due and costs, (unless otherwise directed,) be paid to the proprietor of the lands, who, by this means, will receive the full value of his property; whereas, were the sale to be restricted to a portion of the lot, the purchaser, from the delay and difficulties of a division, would probably be deterred from offering so advantageous a price as he would be induced to offer for the entire lot.

In cases where the amount offered for any distinct lot or lots is sufficient to make good the arrear due, the remaining lots shall not be disposed of.

Rule in cases where the amount bid for a lot exceeds the amount to be recovered.

IV. First. *When lands are ordered to be sold under Regulation XXVII. 1803, the proprietor or (if the lands be let in farm) the farmer of lands, ordered to be sold, upon receiving a written order for that purpose from the collector of the* zillah, *under his official seal and signature, shall attend the* ameen, *or other officer, directed to take charge of the lands, in person, or order an agent, duly empowered and informed, to attend him, if the collector shall deem it sufficient to require the attendance of an agent only, with any accounts of the collections and* jumma *of the lands ordered to be sold, or the estate of which they may form a part, for the purpose of adjusting the* jumma *at which the lands are to be disposed of. If the proprietor or farmer shall omit or refuse to attend, or to cause an agent of the description above specified to attend by the time prescribed in the collector's requisition, with the accounts and information required, the Board of Revenue are empowered to impose such daily fine upon him, until he shall comply with the collector's requisition, as they may think adequate to his situation and circumstances in life; reporting the amount, for the confirmation of the Governor General in Council. The proprietor, or farmer, shall likewise cause the* putwarees *to attend the* ameen, *or other officer, to assist him in making the collections, or for the purpose of furnishing him with the accounts and information necessary for adjusting the* jumma *as required by Section 37, Regulation XXV. 1803: as well as any other of the* zemindaree *officers, whose assistance or attendance may be required for the above purposes, upon receiving a written requisition from the collector to that effect; and, in the event of his omission or refusal, he shall be subject to the same penalty as for a breach of the rules above prescribed.*

When lands are ordered to be sold, the proprietors or farmers shall attend the ameen, *or other officer, directed to take charge of the lands, either in person, or by an agent, with their accounts.*

Board of Revenue authorized to impose fines on proprietors or farmers omitting or refusing to attend, or to send an agent.

Proprietors and farmers shall likewise cause the putwarees *and any other of the* zemindaree *officers to attend the* ameen *when required, subject to a similar penalty in case of omission or refusal.*

Second. *With the view of providing further against undue impediments in the sale of portions of estates, by the conduct of the proprietors, it is hereby declared, that, whenever it shall be established, by the reports of the collectors and the Board of Revenue, and the evidence taken by them, to the satisfaction of the Governor General in Council, that any proprietor of land has received the prescribed requisition for the accounts actually kept by him, or by his agents for him, of his estate, or of the portion of his estate, which may be proposed for public sale, and that such proprietor has refused, or wilfully neglected, to furnish the accounts required for adjusting an allotment of the assessment of his entire estate upon the proportion proposed to be sold, the Governor General in Council will order the immediate sale of the whole estate, instead of a portion of it, as intended, in satisfaction of the demand to be recovered; provided, that, in such cases, the sale shall be made, after advertisement, in conformity to the general rules for the sales of land; and if the proprietor, at any time antecedent to the fixed day of sale, shall deliver the accounts required of him, or otherwise conform to the requisition made to him, the actual sale of the entire estate shall not take place; but instead thereof, and as a punishment to the defaulter for withholding the accounts in his possession, it shall be competent to the Governor General in Council to impose such fine on the defaulter as he may judge proper, on consideration of the circumstances of the case, in addition to any fine which may have been previously imposed on the defaulter, under the present or any future regulation: provided further, that, if in any case, a proprietor of land, who shall have been required to produce the accounts of his estate for the purpose of adjusting the public assessment upon a portion of it for sale, shall, by pertinaciously withholding such accounts, voluntarily cause the sale of his entire*

The whole estate will be sold, in cases where the proprietor shall refuse or neglect to furnish the accounts required for allotting the assessment on the portion proposed to be sold.

When the requisite accounts shall be furnished previously to the day of sale, the Governor General in Council competent to commute the sale for a fine.

When a sale shall actually take place, any surplus produce of such sale to be returned to the late proprietor.

entire estate, under the provision now made for such cases, the surplus produce of the sale, after discharging all demands for which the sale may be ordered, shall be paid to the late proprietor, notwithstanding his default, unless otherwise specially directed. All fines imposed under this clause shall be recovered under the rules prescribed for the recovery of arrears of revenue.

All fines imposed under this clause, recoverable in the same manner as arrears of revenue.

At what places sales of land which may be ordered to take place, under this regulation, shall be made.

Publication of the notice of such sale where to be made, and what it is to contain.

V. *All sales of lands, paying revenue to Government, which may be disposed of under this regulation, shall be made by the collector of the* zillah, *in his public office, or at Calcutta, in the office of the Board of Revenue, under the superintendence of their secretary, according as the Governor General in Council may direct. Previously to any such sale taking place, a publication shall be made in the Persian language, and in the Hindoostanee language and Nagree character, specifying the* mohaul *or* mohauls *to be sold, the* jumma *at which the lands, or each lot of them, if they are ordered to be sold in two or more lots, will be disposed of, and the place, date, and hour of the day, fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place, for which the purchaser is to be responsible: or, if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication shall be fixed up in some conspicuous place in the court-room of the* adawlut *of the* zillah, *the office of the collector, the principal town or village in the lands to be sold, and the office of the secretary to the Board of Revenue. The publication shall be fixed up at the several places above mentioned, for a time not less than one month before the sale takes place. All expenses attending the sale, and the appointment of the* ameen, *or other native officer, directed to be employed in the collecting the rents and revenues of lands ordered to be sold under Regulation XXVII.* 1803, *conformably to Sections* 30. *and* 31. *of the said regulations, shall be deducted from the proceeds of the sale. The other conditions of the sale contained in Sections* 7. *and* 8. *of this regulation, as well as any other stipulations which may be made, shall likewise be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale, and during the three days preceding it.*

Expenses of the sale in what manner to be defrayed.

Remaining conditions of sale where and for what period to be fixed up.

VI. First. *Wherever the portion of an estate, paying revenue to Government, not before distinctly assessed, may be disposed of, a detailed statement shall be exhibited, at the time of sale, for the information of persons desirous of becoming purchasers, specifying the* mohauls *to be disposed of, (to be stated as clearly and accurately as possible,) their rent produce in the past year, and the allotment of the* sudder jumma *thereto, in conformity to Section* 37, *Regulation XXV.* 1803. *An authenticated copy of the statement abovementioned shall be delivered to the purchaser; with this express notification, that Government do not guarantee to the purchaser any thing beyond the right of the former possessor in the land sold; but if the purchaser, within one year from the date of his purchase, shall discover and establish, to the satisfaction of the Governor General in Council, through the collector of the* zillah *and the Board of Revenue, that the accounts upon which the* sudder jumma, *or public assessment may have been adjusted were false or grossly erroneous, so as to render the assessment on the lands sold much higher than it ought to have been, under the rules prescribed by Section* 37, *Regulation XXVII.* 1803, *the Governor General in Council will cause a new allotment of the assessment on the land sold, and on the remainder of the estates from which such lands may have been separated, according to the prescribed rules. The collectors shall further allow all purchasers to have free access to the accounts on which the assessment upon the lands sold to them may have been adjusted; and, on receiving any claims, under this clause within the period therein limited, shall investigate the same, in the presence of the landholder or farmer who may have furnished the accounts, or his authorized agent; and report the result, with their opinion, to the Board of Revenue; who, after calling for any further information they may judge necessary, shall decide upon the claim of the purchaser, if they shall not consider him entitled to any alteration in the assessment, leaving him to appeal, if dissatisfied, to the Governor General in Council; or, if they shall be of opinion that he is entitled to an alteration in the assessment of the lands purchased by him, shall report the same to the Governor General in Council, for his final determination. The above*

Statement to be exhibited to bidders at the public sales, when the portion of an estate, not before distinctly assessed, may be disposed of.

A copy to be delivered to purchaser.

With the notification herein prescribed.

Collectors to allow purchasers to have access to accounts on which the assessment on lands sold have been adjusted.

Collectors how to proceed, when objections or claims may be preferred to them by purchasers, under this regulation.

Board of Revenue how to proceed when such cases shall be reported to them.

Governor General in Council to determine on any alterations in the assessment.

Above provision not meant to authorise any

provision, which is made for the security and encouragement of the purchasers, at the public sales, as well as to preserve a just assessment of the public revenue on lands sold, is not to be understood to authorise, in any case, (except to rectify an evident and material mistake which the purchaser may consent to have rectified, rather than relinquish his purchase, and receive back the amount paid by him, with interest) any addition whatever to the assessment declared, at the time of sale, on the portion of lands sold; nor is it to be applied retrospectively to any public sales which may have taken place, before the promulgation of this regulation, unless, in any particular instance, from manifest fraud or error in the accounts upon which the sale may have been made, the Governor General in Council should, on consideration of the circumstances of the case, think it equitable and proper to order otherwise; and the Governor General in Council hereby notifies, that he will not admit any claim whatever, founded on past sales, unless the same shall have been already preferred, or shall be preferred to him, or the Board of Revenue, within one year from the promulgation of this regulation.

Not to this rule to be applied retrospectively.

Limitation to all claims founded on past sales.

Second. *Whenever it may be requisite to dispose of the whole of an estate paying revenue to Government, by public sale, for the recovery of an arrear of revenue, and it may not be necessary, from the large extent of the estate, or other sufficient cause, to dispose of the estate, in two or more lots, it will be sufficient, in the statement to be exhibited at the time of sale, to specify the name of the estate, the* mohauls *composing it, and the assessment thereupon.*

What statement, to be exhibited at the time of sale, to be contain, when whole estates are to be disposed of.

VII. A deposit of fifteen per cent. on the amount of the purchase money, shall be made at the time of the sale, by every purchaser of land which may be disposed of under this regulation. If the purchaser shall omit to discharge the purchase money within the period which may be stipulated, he shall forfeit the deposit to Government, and the lands shall be sold at his risk and expense. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he shall make good the deficiency. If a profit shall arise on the second sale, it shall be carried to the credit of the defaulter, or of Government if the lands be sold on the public account under Section 25, Regulation XXVII. 1803. *If the first purchaser shall refuse or omit to make the deposit, or to pay, within the required time, the amount of the deficiency, and the expenses arising on the re-sale, after being served by the collector of the* zillah *in which he may be or reside, or by the Board of Revenue if he shall be in Calcutta, with a written demand for the amount, similar to that directed in Sections 3, 7, and 10, Regulation XXVII.* 1803, *to be served on proprietors and farmers of land from whom arrears of revenue are due, such defaulting purchaser shall be considered in the same predicament as the sureties of proprietors or farmers of land who omit or refuse to discharge any sum of money due from them, and he shall be proceeded against accordingly by the collector of the* zillah *in which he may be or reside.*

A deposit of fifteen per cent. to be made on the amount of the purchase money.

Penalty to which purchasers will be liable who shall not pay the purchase money by the stipulated period.

How such penalty is to be levied.

VIII. The purchasers of lands sold under this regulation shall not be held responsible for any arrears or suspensions of revenue which may be due to Government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears of suspensions, not so stipulated to be made good by the purchaser, shall be paid by the former proprietor, and recourse shall be had to the remainder of his real or any other property which he may possess, or to the confinement of his person, or to both his person and property, for the recovery of the amount. Arrears of rent or revenue that may be due to the defaulting proprietor from his dependant taloukdars, *under-farmers, or* ryots, *preceding the date on which the lands may be sold, shall belong to him, and are to be recoverable by him by suit in the court of* adawlut *of the* zillah. *The defaulting proprietor, however, shall be at liberty to transfer his right to such arrears to the new proprietor.*

Purchasers of lands under this regulation, not to be responsible for arrears or suspensions, on account of former years, unless otherwise stipulated in the conditions of sale.

By whom such arrears and suspensions are to be made good.

IX. All purchases of land at the public sale shall be made in the names of the persons actually purchasing the same, without any fictitious substitution, or the substitution of the name of any other person whatever. Any evasion of this rule will render the lands purchased in opposition to it liable to confiscation to Government, or to such other penalty as the Governor General in Council, on consideration of the circumstances of the case, may think proper to impose; but it is not intended to prevent any person, duly authorized, from making a purchase of land at the public sales for another;

All purchases of land at the public sales to be made in the names of the actual purchasers.

Penalty for any evasion of this rule.

Explanation.

another ; so that the real purchaser be declared at the time of sale, and his name registered accordingly.

Defaulters restricted from purchasing their own lands at the public sales.

Lands hereafter purchased against this prohibition, forfeited to Government.

Collectors how to proceed with respect to such illicit purchasers.

To be finally determined upon by the Governor General in Council ;

Subject to judicial process under Section 48, Regulation XXVII. 1803.

In what manner the collectors are to give possession to purchasers at the public sales.

Further measures, if necessary, to be taken by the judge of the zillah.

Late incumbent how to recover any property delivered over to the purchaser, but not included in his purchase

And purchaser how to recover any property included in the sale, but not delivered over to him.

Any other person, not being the late incumbent, or his representative, claiming a right to property disposed of at the public sales, how to recover the same.

Exception of rights of under tenants.

Any disputes respecting which to be settled between the under-tenants and purchaser, as with the late incumbent, if the sale had not taken place.

But in cases of sales for arrears of revenue, the purchaser may oust himself of the rights vested in him by Regulation XLVII. 1803, without application to the adawlut.

Further provision against any private claim upon lands sold to discharge the revenue assessed thereupon, or upon the estate of which it forms a part.

X. All defaulting landholders, farmers, and sureties, whose lands may be sold by public sale for the discharge of arrears of revenue, are positively restricted from becoming the purchasers, directly or indirectly, of their own lands so disposed of. If they have the means of making such purchases, they must have the means of preventing the sale by discharging the arrear due from them ; and any lands which may be found to have been purchased by them, after the promulgation of this regulation, in opposition to the above prohibition, are declared liable to immediate forfeiture to Government. The collectors shall cause due inquiry to be made, whenever they may suspect such illicit purchases ; and if they shall consider the same established, shall report the circumstances of the case, with the proceeding held by them, to the Board of Revenue, to be submitted by them with their opinion for the determination of the Governor General in Council, whose decision upon the case shall be considered final ; unless the party dissatisfied shall think proper to prosecute his claim in the courts of justice ; who are in that case, to proceed as directed in other suits wherein Government may be a party under Section 48, Regulation XXVII. 1803.

XI. The collectors shall give possession to purchasers at the public sales of lands within their respective zillahs, *by publishing at the head* cutcherree *of the* pergunnah *or other* mohaul *sold, and at the* cutcherree *of the* adawlut, *in the jurisdiction of which such* mohaul *may be situated, a statement of the land sold (as exhibited at the time of sale), the name of the purchaser, the date of his purchase, and his succession to all the rights of the former possessor. In the event of any further measures being necessary to put the purchaser in possession, he shall apply to the judge of the* zillah, *within which the land may be situated ; and on inspection of the proclamation above mentioned, the judge shall put the purchaser in possession of the property sold to him, as herein specified, by the usual process for giving possession of all other property under decrees of the courts of justice. If the late incumbent shall dispute the right of the purchaser to any part of the property so delivered over to the purchaser, as not being included in the purchase, he (the former incumbent) is at liberty to institute a regular suit in the court of* adawlut *for the recovery thereof, with costs and damages ; and, in like manner, if the purchaser think himself entitled to any property which the judge may not deliver over to him, as not appearing to have been included in the sale, he is at liberty to sue the late incumbent for the same in the court of* adawlut ; *and on proof of his title, shall recover such property, with all costs and damages. If any other person not being the late incumbent, or his representative, shall claim any part of the property sold and delivered over to the purchaser, he is at liberty to institute a suit against the former incumbent and purchaser jointly for the recovery thereof ; and, on proof of his right, shall receive back the same, with costs and damages, from the late incumbent, who shall further, in such case, if the property adjudged were clearly included in the sale, be compelled by the court of* adawlut *to make reparation to the purchaser adequate to the loss sustained by him ; either by a refund of a proportion of the purchase money, or otherwise, as may appear just and equitable: Provided, however, that nothing in this rule shall be considered applicable to the rights of under-tenants, of whatever description, in the land sold, whose rents may have been payable to the late incumbent. As the purchaser is entitled only, by the terms of his purchase, to the rights of the late incumbent, (except in the cases provided for by Regulation XLVII. 1803,) whatever disputes may arise between him and the under-tenants must be settled between them, or by the usual course of law, in like manner as they would have been between the under-tenants and late incumbent, if the sale had not taken place. But in cases of public sales for arrears of the public revenue, the purchaser may without any previous application to the* adawlut, *eject any of the under-renters whose leases are annulled by Regulation XLVII. 1803, and who may decline the renewal of them on such terms as the purchaser, by the above regulation, is authorized to require from them : provided further, that, whenever the land may have been sold to discharge an arrear of the public assessment upon such land, or upon the estate of which such land formed a part, no private claim thereto, on the plea of sale, gift, or other transfer, or of pledge, mortgage, or other assessment, or any other private claim whatever shall be admitted by any court of justice in bar of the prior and indefeasible right of Government*

vernment to hold the whole of the lands answerable, in the first instance, for the public revenue assessed thereupon, as immemorially known and acknowledged.

Prior and indefeasible right of Government in such cases.

XII. All purchasers of lands at the public sales are required to attend the collector of the *zillah* wherein the lands may be situated, either in person, or by their representatives duly authorized, and to execute the usual *cabooleats* and *kistebandy* for the public revenue assessed upon the lands purchased by them. In cases of doubt as to the real purchaser, or of suspicion that the purchase has been made in opposition to the rules contained in Sections 9. and 10. of this regulation, the collector is authorized to cause the personal attendance of the alleged purchaser at his *cutcherree*, if resident within his jurisdiction; or, if the purchaser be resident in any other *zillah*, the collector of such *zillah* is authorized and required to cause the attendance of the purchaser at his *cutcherree*, on the application of the collector in whose district the lands may lie, and to make any examination or inquiry which may be desired by the latter collector, or by the Board of Revenue: to whom a full report shall be made in such cases, for the orders of the Governor General in Council, as directed in Sections 9. and 10. of this regulation.

Collectors authorized to cause the attendance of any landholder or other native, whose attendance may be required.

XIII. Under the provisions for the sale of entire estates, and assessment of portions of estates, made by this regulation, it can seldom, if ever, be necessary to sell, for the recovery of an arrear of revenue, a fractional portion of an estate, such as an eight-anna, four-anna, or other proportion, to be held in joint partnership, or common tenancy without a previous division of the land, or distinct assessment of the revenue thereupon; and as such sales must depreciate the value of the property sold, from the uncertainty of the assessment, and responsibility attached to the share of a joint undivided estate, no sale of this nature shall hereafter take place, for the discharge of an arrear of the public revenue, without the express sanction of the Governor General in Council, on a report of any particular case which may appear to require it. The public sale of a share in a joint undivided estate may, however, in some instances be necessary, under decrees of the courts of judicature, or otherwise; and whenever such sales may take place, they shall be made under the provisions applicable to joint estates in general, as set forth in this regulation, or any other existing regulation.*

No fractional portions of an estate to be sold as joint undivided property, without the express sanction of the Governor General in Council.

Sales of this nature, when necessary under decrees of the courts of justice or otherwise, to be made under the provisions of this regulation and other regulations applicable to joint estates in general.

XIV. No sale of lands, for the recovery of arrears of revenue, or other public demand, shall be made, without the previous sanction of the Governor General in Council.

No sale of lands, for the recovery of a public demand, shall be made without the previous sanction of the Governor General in Council.

XV. The following rules are enacted for conducting the sale of lands, paying revenue to Government, ordered to be sold in satisfaction of decrees of the courts of justice.

Rules for conducting the sale of lands in satisfaction of decrees of the courts of justice.

XVI. When a court of civil judicature shall have occasion to have recourse to the sale of lands paying revenue to Government, in satisfaction of a decree, the court by which the decree is to be enforced, shall transmit a copy of the decree, without any other part of the proceedings, and a translate of it in English, to the Board of Revenue.

Copy and translate of decree, to be enforced by the sale of *malguzaree* lands, to be transmitted to the Board of Revenue.

XVII. The Board of Revenue shall proceed, with all practicable despatch, to dispose of such portion of the lands of the party against whom the decree may be given, as may be sufficient to make good the amount of it. The Board shall cause the lands to be disposed of at the presidency or in the *zillah* in which the lands may be situated, according as they may deem most advantageous for the proprietor. The Board shall report, for the information of the Governor General in Council, all orders for sales of lands which they may issue under the powers vested in them by this section, immediately on the same being issued by them.

Board of Revenue to proceed to the sale of the lands without delay.

Orders for sales of lands to be reported to the Governor General in Council.

XVIII. The public *jumma* or revenue to be charged on the portion of any estate ordered to be put up to sale, shall be adjusted agreeably to the principles prescribed in Section 37, Regulation XXV. 1803.

Public revenue to be charged on the land sold to be fixed agreeably to Section 37, Regulation XXV. 1803.

XIX. The Board of Revenue are empowered, in cases in which it may appear to them expedient, to direct the collector to attach the lands ordered to be sold, by deputing an *ameen* to take charge of them, or by placing them under the nearest *tehsildar* or other revenue officer. The officers to whom the lands may be committed shall collect the rents and revenues, to prevent waste being committed by the proprietor, and shall furnish any information which may be required for the adjustment of the *jumma*.

Board of Revenue empowered to order the attachment of lands directed to be sold.

* Rescinded by clause first, Section 2, Regulation XI. 1822.

XX.

Expenses of the attachment and sale to be defrayed by the proprietor.

XX. The expenses attending the attachment and sale of the lands, after being approved by the Board of Revenue, shall be charged to the account of the proprietor, and shall be defrayed either from the collections made from the lands, or from the proceeds of the sale, if the collections shall be insufficient for that purpose.

Proprietor of the lands may appoint officers to keep counterparts of the *ameens'* accounts.

Rules to be observed by the *ameen* in making the collections.

XXI. The proprietor of the lands to be sold may appoint his *dewan*, or any other person whom he may think proper, to keep a counterpart of the accounts of the receipts and disbursements of the *ameen*. The *ameen* shall collect according to the engagements which may subsist between the proprietor and his dependant *talookdars*, under-farmers, and *ryots*, and shall not make any alterations whatever in such engagements, or exact more than the amount specified in them; and he shall be liable to a prosecution in the court of *adawlut* for any alteration or infringement of such engagements in opposition to this section. In cases in which no engagements shall exist between the proprietor and his dependant *talookdars*, under-farmers, or *ryots*, the *ameen* shall collect from them according to the established rates and usages of the *pergunnah*. The *ameen* shall likewise be subject to a prosecution by the proprietor or farmer of the estate for embezzlement, or injuries done to the estate or farm, during the time that the collection of the rents and revenue of it may be entrusted to him.

Rules in the preceding section applicable to *tehsildars* or other officers appointed to take charge of the lands ordered to be sold.

Punishment for resisting, or causing to be resisted, the officer deputed to attach the lands to be sold.

XXII. The rules in the preceding section, with regard to *ameens*, shall be considered equally applicable to *tehsildars*, or other officers, to whose charge lands ordered to be sold may be committed.

XXIII. If a proprietor, or (if the lands be let in a farm) a farmer, or his surety, shall resist, or cause to be resisted, the *ameen* or other officer whom the collector, by the authority of the Board of Revenue, may direct to attach lands ordered to be sold, the collector shall proceed against the offender in the manner in which he is directed, in Regulation XXVII. 1803, to proceed against proprietors and farmers, or their sureties, who resist the process which he may issue under Section 20. of that regulation; and all the rules contained in that regulation, respecting proprietors, farmers, or their sureties who may resist, or cause to be resisted the process issued by the collectors under that section, shall be considered applicable to proprietors, farmers, or sureties, who may resist, or cause to be resisted, the officer who may be ordered by the collector to attach their lands under Section 9. of this regulation. Any other descriptions of persons guilty of the offence specified in this section, shall be subject to the same process and punishment as sureties so offending.

Courts empowered to countermand or postpone sales of lands ordered to be made in satisfaction of decrees.

XXIV. Where a sale of the lands of any person shall have been ordered to take place in satisfaction of a decree, the court by which the decree may have been passed, or to which the enforcing of it may be committed, is empowered, in the event of the amount of the decree being discharged, or for other cause which may appear to them sufficient, to countermand or postpone the sale, by issuing a precept to that effect to the collector, if the lands shall have been ordered to be sold by the collector, or by an address to the Board of Revenue, if the lands shall have been directed to be sold by them, in which precept or address the court shall state their reasons for ordering the sale to be countermanded or postponed, and in the latter case, if it shall appear to them proper so to do, they may prescribe a date for the sale of the lands. The Board of Revenue and the collector shall conform to the requisitions of such precepts or addresses from the courts for countermanding or suspending the sale of lands.

Rules prescribed by this regulation for the sale of *mokuddumee* lands on account of any public demand, to be held applicable to the sale of lands of a similar description, when disposed of in satisfaction of decrees of the courts of justice.

The foregoing rules also to be held applicable to the sale of *lakheraj* lands.

The purchasers of *lakheraj* lands succeeding to what right.

XXV. In addition to the foregoing rules, the rules prescribed by this regulation, respecting the sale of lands paying revenue to Government, for the recovery of arrears of revenue, or other public demand, shall be considered applicable to the sale of lands of a similar description, in satisfaction of decrees of the courts of justice, as far as such rules may apply to the circumstances thereof.

XXVI. The rules prescribed by this regulation, respecting the sale of lands paying revenue to Government, shall be also considered applicable to lands held exempt from the payment of revenue to Government, as far as such rules may apply to the circumstances thereof; with this addition, that the purchaser of such exempted lands shall be considered as having succeeded only to the rights of the former proprietor, and that the transfer shall not bar Regulations XXXI. and XXXVI. 1803, or any other regulation which may be hereafter enacted, any claims of Government for the recovery of the public dues from such lands, under Regulations XXXI. and XXXVI. 1813, or any other regulations which may be hereafter enacted.

XXVII. When a sale of lands shall have taken place, under this regulation, the collector of the *zillah* in which the sale shall have been made shall cause the entries of the transfer to be made in the public registers, directed to be kept by Regulation XLII. 1803.

All transfers by sales of land, to be entered in the registers directed to be kept by Regulation XLII. 1803.

XXVIII. The Board of Revenue, who are empowered by this regulation to conduct the sales of land in the mode therein prescribed, will consider themselves responsible for the careful execution of this duty; and are required to be particularly attentive to the proper selection of lands for sale by the collectors, as well as to the due allotment of the public assessment thereupon, in conformity to the regulations. They are also authorised to fix the establishments of native officers which may be necessary, during the attachment of lands for sale, the expense of which shall be defrayed from the produce of the lands, as provided in Regulation XXVII. 1803: and statements of all such establishments shall be submitted by the collectors, for their approval, as soon as possible after the attachment may take place. In preparing such statements, the collector shall be careful not to propose a greater number of officers, or greater allowances to the officers employed, than may be indispensably necessary; and the Board of Revenue, in approving such establishments, shall give particular attention that this principle is duly observed. The collectors shall also nominate for the approbation of the Board of Revenue, the *ameens* and other principal native officers to be employed in the management of lands under attachment, with the sureties to be taken for their appearance under Section 2. of Regulation XXXIII. 1803; and will be held responsible for the utmost regard to the qualifications and character of the persons so appointed by them.

Board of Revenue to conduct sales of land under the regulations.

Their responsibility, and objects to be attended to by them.

Collectors to propose, and Board of Revenue to approve, establishments of officers to be employed during the attachment of lands.

Objects to be attended to in proposing and approving such establishments.

Collectors also to nominate, and Board of Revenue to approve, the principal officers to be employed in the management of lands under attachment, with their sureties.

Responsibility of collectors in all such appointments.

XXIX. The following rules are prescribed for the division of estates paying revenue to Government, and for allowing two or more proprietors of shares of an estate to hold their shares as a joint undivided estate.*

XXX. The division of every zemindaree, *independent* talook, *or other estate, paying revenue immediately to Government, which may be ordered to be divided into two or more distinct estates, and the apportioning of the fixed* jumma *assessed on the whole of the estate upon the several shares, shall be executed under the superintendence of the collector of the revenue of the* zillah *in which the estate may be situated.*

Division of estates in the cases specified in this regulation to be made by the collector.

XXXI. If all the proprietors of a joint undivided estate shall be desirous to have their estate divided into two or more separate estates, they shall make a written application for that purpose to the collector of the zillah, *under their respective seals and signatures, and attested by four credible witnesses, specifying the shares which belong to them respectively, and whether they are desirous of having separate possession of their respective shares, or whether any two or more of them propose to hold their share as a joint estate. The collector shall immediately proceed to make the division of the joint property into the number of estates requested by the proprietors; reporting the same, for the information of the Board of Revenue. All expenses incurred by the division shall be borne by the proprietors, in the proportion which their respective shares may bear to the whole estate. Agreeably to this rule, a proprietor of a sixteenth part or one anna share, will defray a sixteenth of the expense, and the other sharers in proportion.*

Proprietors of a joint estate entitled to have a division of it made at their own expence.

XXXII. First. *If one, two, or more of the proprietors of a joint estate shall be desirous to have the separate possession of his or their respective share or shares, or, of two or more of them shall be desirous to have their shares separated, and to hold them as a joint estate, they shall make a written application for that purpose to the collector of the* zillah, *under their seals and signatures, and attested by four credible witnesses. The collector shall immediately proceed to make the division applied for, in the prescribed form, reporting the same for the information of the Board of Revenue, unless the person or persons in possession of any part of the estate, shall deny the right of the party or parties applying for the division, in the form required by Section 33. of this regulation; in which case, the collector shall not proceed to the division until the disputed title be established or admitted, as prescribed by the said section. If the division shall be made, at the application of one sharer only, he*

One, two, or more of the proprietors of a joint estate entitled to have their shares separated at his or their suit.

* Rescinded by Section 2, Regulation XIX. 1814.

shall

shall pay the whole of the expense attending it. If the division be made at the application of two or more of the sharers, they shall defray the expense in the proportion that each of their respective shares may bear to the aggregate of their shares. Agreeably to this principle, if the estate be divided, at the application of three sharers, each entitled to two-sixteenths, or a two anna share of the whole estate, each sharer will defray a third of the expense attending the division.

Courts of justice may order the division of an estate in the cases herein specified.

Second. *Where any person or persons may succeed to the proprietary right in a portion or the whole of an estate, in virtue of a decree of a court of justice, the court to which the enforcing of the decree may be committed is empowered, upon receiving an application from the proprietor or proprietors to that effect, to issue a precept, under the seal of the court, and attested by the register, to the collector, requiring him to divide the estate, and (provided it be not held* khas *or let in farm by Government) to put the parties in possession of the shares to which they may be entitled under the decree. The collector shall proceed to make the division, upon the receipt of the precept, sending a copy of it to the Board of Revenue, for their information.*

Collectors not to proceed to a division, if all, or any of the parties in possession deny the right of the person or persons applying for the division to the share or shares claimed; until their titles be established in the adawlut, *or the parties so denying shall admit the title.*

XXXIII. If one, two, or more persons shall apply to a collector for the division of an estate, and the separate possession of the share or shares to which he or they may state themselves entitled, and all or any of the persons in the possession of the estate, or any part of it, shall deny, by a writing, under his or their seals and signatures, and attested by two credible witnesses, the right of such claimant or claimants to the share or shares so claimed, the collector shall not proceed to the division, until he or they have established his or their rights to such share or shares in the court of adawlut, *or until the party denying such right shall signify to the collector, by writing under his or their seals and signatures, and attested by four credible witnesses, that he or they admit the title of the person or persons applying for the division to the share or shares claimed.*

Two or more estates which originally formed part of the same zemindaree, *&c. may be united and registered as one estate.*

XXXIV. If two or more estates which may have originally formed specific and ascertained portions of the same zemindaree, talook, *or other tenure, shall come into the possession of one person; or, if one, two, or more persons shall possess two or more shares of any such estate, such person or persons shall be entitled to have such shares united, and to hold them as one estate. Application for the union of estates shall be made to the collector of the* zillah, *in writing, under the seal and signature of the proprietor or proprietors, and attested by two credible witnesses. The collector shall forward the application to the Board of Revenue, who are empowered to comply with the application, reporting it to the Governor General in Council, to whom a power is reserved of disallowing the union, in cases in which, from the great extent of the estates proposed to be united, it may appear to him unadvisable. If the union shall take place, the required entry of it shall be made in the register of intermediate mutations in property, as prescribed in Regulation XLII.* 1803; *and in the next quinquennial register, the estates so united shall stand as one estate, and an engagement for the revenue assessed upon it shall be taken from the proprietor or proprietors accordingly.*

Each estate to be as compact as possible.

XXXV. When a division of an estate shall be ordered to be made, each of the estates into which the property may be directed to be divided shall be formed of entire and (as far as the situation of the lands and other local circumstances may admit) contiguous mohauls *or villages, so that each estate may be as compact as possible.*

Public revenue to be assessed upon each estate agreeably to the rules herein prescribed.

Rules for selecting the lands to be included in each estate.

XXXVI. The public revenue shall be assessed upon each estate into which the property may be ordered to be divided, in conformity to the rules prescribed in Regulation XXV. 1803; *but in selecting the* mohauls *or villages to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads or navigable rivers, the nature and quality of the soil and produce, the quantity of waste land, the depth at which water may be procurable, the number of tanks and wells, the state of the embankments and water courses, and every other local circumstance affecting the present, or likely to influence the future value of the lands, shall be duly considered, and the* mohauls *or villages to be included in each estate fairly and impartially selected accordingly. A strict adherence to the above rule is essential to rendering the division equitable. For, if the* mohauls *or villages containing a large proportion of waste land, and situated in the vicinity of a navigable river, or possess-*

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ing other local advantages, are included in one estate, and the mohauls *or villages liable to inundation, or comprising a small proportion of waste land, or situated at a greater distance from a navigable river, or subject to other local disadvantages, are included in another, it is obvious that the selection of the* mohauls *and villages included in the two estates will not be fairly and impartially made, although the public revenue may be assessed upon each estate, agreeably to the rules prescribed in Regulation XXV.* 1803, *as far as regards their immediate produce at the time of the division. The former estate will be more valuable than the latter, from being capable of improvement, without being liable to be affected by the calamities of season, whilst the latter will be subject to those calamities, without possessing the same advantages as the former.*

Upon a division, proprietors allowed to retain their dwelling houses, and the lands immediately attached to them, although situated in the share of another, on paying rent for the land.

XXXVII. If a dwelling house belonging to one sharer shall be situated in a mohaul *or village which may be included in the estate of another, the proprietor of such house shall be at liberty to retain it, with the offices, buildings, and ground, immediately attached to it, upon paying to the proprietor of the* mohaul *or village an equitable rent for the ground; and the limits of the ground and the rent to be paid for it, shall be particularized in the paper of partition.*

Rules with regard to tanks, embankments, &c.

XXXVIII. Tanks, wells, reservoirs, water-courses, and embankments, shall be considered as attached to the land for the benefit of which they were originally made. In cases in which, from the extent, situation, or construction of works of this nature, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates, the paper of partition shall specify as far as circumstances may admit, the proportion of the benefit which each estate is entitled to derive therefrom, and of the expense of the repairs with which it is to be charged.

And places of religious worship.

XXIXX. Places of worship which may have been held in common, previously to the division of a zemindaree *or other estate, shall be continued on the same footing, unless the parties shall otherwise agree amongst themselves; in which case, they shall signify their determination in writing the* ameen, *who shall insert it in their paper of partition.*

Divisions of estates to be made by an ameen to be appointed by the collector.

XL. When an estate shall be ordered to be divided, the collector shall appoint a creditable ameen *to make the division, with such personal allowance and establishment as may appear to him proper; reporting the amount, and particulars of each, to the Board of Revenue, for their approval.*

Oath to be taken by the ameens.

XLI. First. *The collector is empowered and directed to administer the following oath to the* ameen, *previous to his proceeding to make the division. "I, A. B. appointed to make the division of the estate of ————, in the* zillah *of ————, solemnly swear, that I will fairly and impartially, and as expeditiously as may be practicable, make the division of the property, and apportion the public revenue upon each distinct estate into which it is directed to be divided, to the best of my knowledge and judgment, according to the regulations passed by the Governor General in Council; that I will not directly or indirectly receive or allow any other person to receive any fee, present, or reward whatever, from any of the sharers, or any person or persons on their behalf, on account of the division or any matter connected therewith; that I will not derive any advantage or emolument from my appointment, excepting such as may be expressly allowed to me by the collector, and approved by the Board of Revenue; and that I will deliver to the collector all such papers and accounts as may come into my possession, respecting the estate which I am appointed to divide."*

Penalty for ameens convicted of corruption in opposition to their oath.

Second. *If the* ameen *shall be convicted before the court of* adawlut *of the* zillah, *of receiving, or allowing any other person to receive, directly or indirectly, any money or effects, or other property, from the sharers, or any person or persons on their behalf, in opposition to his oath, he shall be compelled to restore the money or property to the party from whom it may have been received, and to pay a fine of three times the amount or value of it to Government, with all costs to the party prosecuting, and be imprisoned until he shall make good the decree, or the amount of it shall be liquidated by the sale of his property.*

XLII.

Documents with which the collector is to furnish the ameen.

XLII. The collector shall deliver to the ameen *a* sunnud *of appointment, under his official seal and signature, in which shall be specified the name of the estate, the names of the different sharers, their respective proportions, the number of separate estates into which the property is to be divided, and the shares included in each estate; together with a copy of the regulations under which he is to make the division, and of the entries in the last former quinquennial register, or in the subsequent register of intermediate mutations (should such registers have been previously formed) which may relate to the property to be divided.*

Ameen to survey the different parts of the estate in person.

XLIII. Upon the arrival of the ameen *on the spot, he shall survey in person the different parts of the property, so as to enable him to select the lands to be included in each estate, in conformity to the rules prescribed in Sections* 37. *and* 38.

Proprietors to furnish the ameen with the necessary accounts to enable him to allot the jumma *on the several shares, in conformity to Regulation XXV.* 1803.

XLIV. The proprietors, shall furnish the ameen *with the accounts of the gross produce of each* mohaul *and village, and all other accounts or information which he may require, to enable him to assess the public revenue on each of the estates into which the property is to be divided, in conformity to the rules prescribed in Regulation XXV.* 1803.

Proprietors to swear to the truth of the accounts, or, if exempted from swearing, to subscribe the usual declaration.

Proprietors liable to be fined, if they do not produce the accounts.

XLV. The proprietors shall swear to the truth of the accounts before the ameens, *or, if they shall be of the description of persons whom the courts of judicature are empowered to exempt from taking oaths, the collector shall authorize the* ameen *to receive from them a solemn declaration to the truth of the accounts. If the proprietors shall omit to furnish the required accounts, the persons withholding them shall be liable to such daily fine, until they produce them, as the Governor General in Council may judge it proper to impose, upon a consideration of the case, and their situation and circumstances in life; and the amount of the fine shall be levied by the collector by the same process as is prescribed for levying arrears of revenue.*

Proprietors to cause their putwarees, *and other* zemindaree *officers to attend the* ameen, *under the penalty therein prescribed.*

XLVI. The proprietors shall likewise cause the putwarees, *and other* zemindaree *officers, to attend the* ameen, *to explain the accounts, and to furnish him with such information as he may require, for dividing the estate, and apportioning the public* jumma, *under the penalty of being fined in the same manner as for omitting to produce the accounts.* Putwarees *refusing to deliver their accounts, or otherwise acting contrary to the rules contained in Regulation XXIX.* 1803, *shall be proceeded against as therein directed.*

Putwarees acting contrary to the rules in Regulation XXIX. 1803, *how to be proceeded against.*

Documents to be delivered to the collector by the ameen, when he has completed the division.

XLVII. When the ameen *has completed the division of the property, and allotted the public revenue on each estate, he shall submit to the collector the papers of the division and allotment, which shall specify the names of the* mohauls *or villages included in each separate estate, into which the property may have been divided, the gross produce of each* mohaul *and village for the three years preceding the year in which the division may be ordered to be made, and the proportion of the public* jumma *which he may have assessed thereon, with such observations regarding the manner in which he may have selected the lands included in each estate, and the accounts from which he may have apportioned the public revenue of them, as may be necessary for the information of the collector, together with a detail of the adjustment which he may have made respecting the tanks, places of worship, or other matters, specified in Sections* 38, 39, *and* 40.

Collector after examining the documents, and hearing the objections of the parties, to draw out a paper of partition.

What the paper is to contain.

Copy of the papers to be transmitted to the Board of Revenue, with the collector's remarks.

XLVIII. First. *The collector shall examine the documents which may be delivered to him by the* ameen, *and after receiving any objections or remarks which may be offered to him by the sharers in person, or by their* vakeels, *he shall draw out a paper of partition, specifying the* mohauls *or villages included in the several estates into which the property may have been divided, the gross produce of each* mohaul *or village, the allotment of the public* jumma *upon each, the name or names of the proprietor or proprietors of each estate, and where an estate is to be held as the joint property of two or more persons, their respective shares in the estate, together with the stipulations which may have been made respecting any of the matters mentioned in Sections* 37, 38, *and* 39, *and transmit a copy of the paper to the Board of Revenue, with such observations as may be necessary to enable them to judge, whether the division of the property, and the allotment of the* jumma *on each estate into which it may have been divided, have been made agreeably to the regulations.*

XLVIII.

Second. *Previously to forwarding the paper of partition to the Board of Revenue, as required by the preceding clause, the collector shall furnish the sharers with a copy of it. In the event of the whole of the sharers, by a written declaration, under their seals and signatures, and attested by four credible witnesses, declaring their satisfaction with the partition statement so communicated to them; or, in the event of none of the sharers offering any objection thereto, within fifteen days after they shall have respectively received the copies delivered to them; the collector, on receipt of the general declaration of satisfaction in the former case, or in the latter, on the expiration of the period above stated, shall proceed to put the parties in possession of their respective shares; reporting the same to the Board of Revenue, and submitting to them a copy and translation of the partition statement and allotment of the assessment: but such allotment of the assessment shall not be deemed conclusive, until it shall have been confirmed by the Board of Revenue, who are authorized to make any alterations therein which may appear to them necessary for the purpose of carrying into effect the proportionate rule of allotment prescribed in Section 37, Regulation XXV. 1803, and Section 37, of this regulation. The Board of Revenue are empowered to confirm, or make such alterations in the division of the property, and the allotment of the public revenue on each estate, or other matters specified in the paper of partition as may appear to them proper; reporting their determination to the Governor General in Council, in cases of appeal, or of a reduction of the fixed assessment. The Board of Revenue may order further inquiries to be made, before they pass their determination on the division, in cases in which it may appear to them necessary.*

Collectors how to act, previously to forwarding the paper of partition to the Board of Revenue.

In what cases the sharers are to be put in immediate possession.

Allotment of the assessment to be confirmed by the Board of Revenue.

Who may alter the same, if necessary, in pursuance of certain rules.

The Board of Revenue also empowered to alter the division of landed property.

Alterations in the division of an estate, or in the allotment of the public revenue, to be reported to the Governor General in Council, in certain cases.

Third. *In the event of any objections to the partition statement being offered by the sharers, or any one of them, within the period of fifteen days specified in the preceding clause, the collector shall not put the parties in possession; but shall transmit, without delay, a copy and translation of such objections to the Board of Revenue, together with a copy and translation of the partition statement, and of the whole, or such part, of the ameen's report as may be applicable to the points objected to; and such further information as may be necessary to enable the Board to form a satisfactory opinion on the case.*

Rule in the event of objections to the partition being offered by the sharers.

XLIX. The determination of the Board of Revenue on the paper of partition shall be communicated, in writing, by the collector to the sharers, who shall be allowed one month from the date of the communication to appeal from the determination of the Board of Revenue to the Governor General in Council, whose decision shall be final. The party desirous of appealing shall present his petition of appeal to the collector, or to the Board of Revenue, and the petition is to specify the matters to which the appellant may object.

Decision of the Board of Revenue to be communicated to the sharers, all or any of whom may appeal from it to the Governor General in Council, within one month.

L. If all the sharers shall express themselves satisfied with the decision of the Board of Revenue, by a writing under their respective seals and signatures, or, if none of them shall appeal within the limited time, or, although an appeal should be preferred, if the partition prepared by the collector shall have been confirmed by the Board of Revenue, or, in other cases of appeal, upon the receipt of the final decision of the Governor General in Council; the collector shall put the parties in possession of their respective estates, and immediately make the necessary entries in the register of intermediate mutations, as prescribed in Regulation XLII. 1803, after comparing the documents delivered by the ameen with the entries regarding the estate in the preceding quinquennial register, and correcting or supplying any errors or omissions which may be discovered in those entries.

Collectors to put the parties in possession of their estates, when all matters regarding the division have been finally adjusted.

LI. First. *No objections from the sharers to the partition communicated to them by the collector in the first instance shall be received by the Board of Revenue after the prescribed period of fifteen days, without good cause for the delay being shown to their satisfaction; nor will any appeal from the determination of the Board of Revenue be admitted by the Governor General in Council after the limited period of one month, unless he shall be entirely satisfied with the cause assigned for not having preferred the appeal to him within that period.*

No objections to the partition made by the collector shall be received by the Board of Revenue after fifteen days, unless good cause be assigned for the delay; nor by the Governor General in Council from the decision of the Board of Revenue after one month, except on the same grounds.

Second. *Whenever the objections to the collector's partition which may be preferred to the Board of Revenue, or the appeal from the determination of that Board to the*

Governor General in Council, or Board of Revenue, when objections appear groundless, vexatious, or litigious, to impose a fine on the defaulter.

the Governor General in Council, shall clearly appear to be groundless, vexatious, and litigious, it shall be competent to the Board of Revenue in the former case, and in the latter to the Governor General in Council, to impose such fine upon the defaulter as may be deemed proper, on consideration of the circumstances of the parties and the nature of the case. Such fine shall be recovered by the same process as is prescribed for the recovery of arrears of revenue.

Governor General in Council will impose a fine on any person withholding accounts or otherwise obstructing the division of an estate.

Third. *If any of the sharers in a joint undivided estate shall, by withholding the requisite accounts and papers, or by any other voluntary act, impede or oppose the division of the estate, when the same may have been ordered and proceeded upon in the mode prescribed by the regulations, the party or parties so offending shall, on the report of the collectors and the Board of Revenue, be liable to such fine as the Governor General in Council, on consideration of the circumstances of the case, may judge proper to impose, and the fine so ordered shall also be levied in the mode prescribed by the regulations for the recovery of arrears of revenue. It is hereby further explained that, whenever a daily fine may be imposed, under any part of the regulations, for the purpose of causing the delivery of accounts, or otherwise, and such fine may be imposed by the collectors or by the Board of Revenue, subject to the confirmation of the Governor General in Council, the operation of such daily fine, provided it be approved by the Governor General in Council, or of such part thereof as may receive his approbation, shall commence from the date when the fine may have been first notified to the party on whom it is imposed; unless, in any case, it should be otherwise ordered by the Governor General in Council, or be otherwise provided by the original order of the collector or the Board of Revenue.*

Division of estates may be made by the sharers themselves, or by arbitrators, under the inspection of the ameen, *in the cases herein specified.*

LII. *In the cases specified in Sections* 31 *and* 32, *if all the proprietors of the estate to be divided shall agree to make the division themselves, and to allot the public* jumma *upon each estate, and to adjust all other matters respecting the division, agreeably to the regulations, they shall present a petition to that effect, under their seals and signatures, and attested by four credible witnesses, to the collector, who shall issue directions to the* ameen *accordingly. But the proprietors shall produce the required accounts before the* ameen, *and swear, or subscribe a solemn declaration to the truth of them; and the division of the lands, and the apportioning of the* jumma, *and every other matter relating thereto, shall be settled in the presence, and subject to the inspection, of the* ameen, *who shall be responsible for the regulations being in every respect observed. In like manner, if all the proprietors of the estate which may be ordered to be divided in the cases specified in Sections* 31 *and* 32, *shall agree to refer the division of the estate, and the apportioning of the public* jumma, *and the adjustment of all other matters repecting the division, to an arbitrator or arbitrators, they shall present a petition to that effect to the collector attested by four credible witnesses, and specifying the name of the arbitrator or arbitrators whom they may choose, and, where two or more arbitrators are chosen, the name of the umpire. Upon the receipt of the petition, the collector shall direct the* ameen *to cause the parties to execute the arbitration bonds. The proprietors shall produce the necessary accounts before the arbitrators, and swear, or subscribe, a solemn declaration to the truth of them, before the* ameen; *and the division of the lands, and the allotment of the* jumma, *and every other matter relating thereto, shall be settled by the arbitrators, in the presence, and subject to the inspection, of the* ameen, *who shall be responsible for their proceeding according to the regulations. When the sharers, or the arbitrators, in the cases above specified, shall have adjusted the division of the property, and the allotment of the public* jumma *on each estate, and all matters relating thereto, and the whole shall have undergone the revision of the* ameen, *he shall submit all the documents and papers specified in Section* 47, *to the collector, who, upon the receipt of them, shall proceed in the same manner as if the division had been made without the interference of the parties or the arbitrators; and all the rules contained in this regulation, regarding divisions made solely by the* ameen, *shall be held applicable to divisions made by the parties, or arbitrators under this section.*

Estates, however small, to be rendered as compact as possible.

LIII. *If any landed property ordered to be divided shall not consist of a sufficient number of villages to admit of one or more whole village or villages being included in each*

such estate, the division of the village or villages of which the property may consist shall be made so as to render each estate, into which the property may be divided, as compact as possible.

Cases in which the sharers are to draw lots for the lands that are to form their respective estates after the division is finally adjusted.

LIV. To remove, as far as may be possible, every inducement to fraud or partiality in the division of landed property, it shall be a rule, that where two or more of the estates shall consist of the same proportions of the whole property divided, the parties entitled to them shall draw lots for the divisions in the public cutcherree before the collector, who shall be held responsible that, in drawing the lots, no unfair means are practised. Agreeable to this rule, if any landed property shall be ordered to be divided into three estates, each consisting of a four annas share or four-sixteenths; or into three estates, one consisting of an eight annas share or eight-sixteenths; and the other two, each of four annas or four-sixteenths of the whole property, after the division, and allotment of the public revenue, and every other matter relating to the division, shall have been finally adjusted, the proprietors of the four shares in the first case, and of the two four annas shares in the second, shall draw lots for the divisions, unless they shall settle amongst themselves which division of the property each party is to receive, and present a petition to the collector, under their respective seals and signatures, and attested by two credible witnesses, specifying the divisions which each of them may have agreed to take: in which case the collector shall put them in possession of the divisions which they may respectively select.

Governor General in Council reserves to himself the power of ordering a new allotment of the public jumma, in the event of it being proved to his satisfaction within three years, that the allotment was fraudulently or erroneously made.

LV. To guard against collusion, or error, in the distribution of the public jumma *on landed property which may be ordered to be divided into two or more distinct estates, it is declared, that, if it shall be proved, to the satisfaction of the Governor General in Council within three years after the parties may have been put in possession, that the* jumma *was fraudulently or erroneously apportioned at the time of the division, he reserves to himself the power of ordering a new allotment of the* jumma *upon the several estates into which it may have been divided, conformably to the principles prescribed in Regulation XXV.* 1803, *upon an estimate of the gross produce of each estate at the time of the division, to be made agreeably to the best evidence and information which may be procurable respecting it; and further, of ordering the parties, whose estates may appear to have been under-assessed, to pay the sharers, upon whose estates the assessment may have been excessive, the sum of which they may be found to have been defrauded by the over assessment; and in the event of their omitting to discharge the amount, to cause it to be levied by the collector by the process prescribed for the recovery of arrears of revenue.*

And to order the parties whose estates may have been over-assessed, to be indemnified by the sharers whose estates may have been under-assessed.

Parties not attending in person to appoint vakeels with full powers to act for them.

LVI. If any of the sharers in landed property ordered to be divided, from indisposition or other cause, shall be unable, or shall not choose to attend the collector or the ameen *in person, in the cases required, they shall depute a* vakeel *duly appointed, with powers to perform all such acts as they themselves are authorized or required to perform, under this regulation, until the division of the property shall be finally adjusted.*

Board of Revenue to take care that the rights of females, or proprietors disqualified by natural defects or infirmities, are duly attended to in divisions.

LVII. If any of the sharers in landed property ordered to be divided shall be females, not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the collector shall report the same to the Board of Revenue, who are enjoined to be careful, that the rights of such proprietors are duly attended to in the division. In instances where more proprietors than one possess an undivided estate, and part of such proprietors shall come under any of the descriptions of disqualified landholders above-mentioned, having guardians, such guardians shall vote and act for them, in all matters relating to the division of their lands under this regulation.

Joint landed property to be held responsible for the payment of the public revenue, until the parties are put in possession of the distinct estates into which it is to be divided.

LVIII. Landed property, for the payment of the public revenue assessed upon which engagements have been or may be concluded with the proprietors, and which may be ordered to be divided under this regulation, shall remain under charge of the manager appointed by the proprietors of joint undivided estates; and the whole of it shall be held answerable for the payment of the public revenue assessed upon it, until the division shall have been finally adjusted, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.

Rules respecting the division of landed property let in farm, or held khas *by Government.*

LIX. The division of landed property held khas, *or let in farm, by Government, inasmuch as regards the division of the lands, shall be made agreeably to the rules prescribed*

prescribed in this regulation, as far as they may be applicable to lands so circumstanced; and the farmer, or the native collector, of the revenue, on the part of Government, shall produce all the accounts and papers which they may possess respecting the lands, upon receiving a requisition to that effect from the ameen. *Such property, when divided, will be subject to the rules contained in Section* 38, *Regulation XXV.* 1803.

All the provisions of this regulation explained to be applicable to joint estates held in common tenancy.

LX. In order to obviate doubts, respecting the descriptions of joint estates to which the several provisions contained in this regulation are meant to be applied, it is hereby explained, that the whole of the said provisions are applicable to joint estates held in common tenancy; viz. where all the sharers have a common right and interest in the whole of the estate, without any separate title to distinct lands or mohauls *forming part of the estate held under one general assessment. Many of these provisions, however, such as those which direct a compact division of the lands, the selection of lands of equal value for the several shares, and other circumstances relating to an equal partition of the estate, have evidently an exclusive reference to the division of landed property between tenants in common, or copartners with equal rights in every part of the estate; and cannot be applied to portions of estates, consisting of specific* mohauls, *or lands held by purchase or otherwise from the former proprietor, and separable from his estate under the regulations, subject to a proportionate allotment of the public assessment, conformably to the rules prescribed in Section* 37, *Regulation XXV.* 1803; *but remaining annexed to the original estate, in conformity to that section, until the distinct assessment of the separable portion shall have been adjusted, and separately engaged for as therein provided. In such cases the provisions in this regulation, which respect the adjustment of the assessment in conformity to Regulation XXV.* 1803, *the accounts to be delivered and examined for this purpose, the responsibility of the whole original estate until a distribution of the assessment shall have been finally determined, and Section* 55, *reserving to the Governor General in Council the power of ordering a new allotment of the assessment in the event of its being proved to his satisfaction within three years that the allotment made was fraudulent or erroneous, are alone to be considered applicable; with the further provisions contained in the existing regulations. But all new allotments of the assessments in the cases here referred to, as in all other cases whatever, shall be reported for the sanction of the Board of Revenue; and shall not be deemed conclusive or valid until confirmed by that Board; or in the event of any reduction of the fixed assessment, until approved by the Governor General in Council.*

The provisions in this regulation respecting the adjustment of the assessment in conformity to Regulation XXV. 1803, *with the further provisions contained in the existing regulations, are alone applicable to the case of a specific* mohaul *being sold or transferred.*

No new allotments to be held valid, until confirmed by the Board of Revenue; or in cases of a reduction of the jumma, *by the Governor General in Council.*

LXI. In the execution of the duties vested in the Board of Revenue by this regulation, as in all other cases, they shall be guided by whatever special orders or instructions they may at any time receive from the Governor General in Council, (or Vice-President in Council,) to whom they shall apply in all cases which they may consider unprovided for by the regulations; or, if it appear to them, in any case, that a new regulation would be advisable to be printed and published in the form prescribed by Regulation 1. 1803, *they shall prepare such regulation in the form so prescribed, with a letter stating at large the grounds on which it may be proposed; accompanied by copies of any documents therein referred to, which may not have been already transmitted to the Governor General in Council. The collectors are also authorized to propose to the Board of Revenue, in the prescribed form, any regulations regarding matters within their cognizance, which their local knowledge and experience may suggest to them as advisable to be adopted; and provided they are drawn out according to the form directed by Regulation* 1. 1803, *the Board of Revenue shall forward the same to the Governor General in Council, whether they approve the regulation proposed or otherwise. If they disapprove it altogether, they shall state the reasons of their disapproval, in a letter to the Governor General in Council, to accompany the regulation proposed by the collector, or a copy of it, and copies of any letter and documents received from him in explanation of it. If they disapprove it in part only, and are of opinion, that the remainder should be enacted into a regulation, with any amendments they may think advisable, they shall state their objections to the part disapproved; and at the same time, submit to the Governor General in Council a draft of the regulation they may judge expedient, with any requisite explanation of the amendments proposed by them.*

Board of Revenue to be guided by any special orders they may receive from the Governor General in Council.

To whom they are to apply in all cases unprovided for by the regulations;

Or may propose a new regulation in the form prescribed by Regulation 1. 1803.

Collectors also authorized to propose new regulations in the prescribed form to the Board of Revenue.

Who are to forward the same with their sentiments to the Governor General in Council.

A. D. 1807. REGULATION VI*.

A REGULATION *for restricting the Partition of small Estates paying Revenue to Government.*—PASSED *by the Governor General in Council, on the* 2*d April* 1807; *corresponding with the* 21*st Chyte* 1213 *Bengal era; the* 10*th Chyte* 1214 *Fussily; the* 21*st Chyte* 1214 *Willaity; the* 10*th Chyte* 1864 *Sumbut; and the* 23*d Mohurrum* 1222 *Higeree.*

Preamble.

WHEREAS *under the provisions contained in Regulations I. and XXV.* 1793, *persons holding shares of estates paying revenue to Government, are entitled to a separation of such shares, and on the completion of the* butwarrah *by the officers of Government, and on the confirmation of it by the Governor General in Council, to hold the same as distinct* mohaals, *subject to the just proportion of the public assessment; and whereas considerable loss and inconvenience have been experienced in the collection of the public revenue from the too minute subdivision of landed property; the following rules have been enacted, to be in force from the time of their promulgation, throughout the territories immediately dependant on the presidency of Fort William.*

No estate of less than one thousand rupees sudder jumma, *liable to be divided.*

No estate to be divided, unless the jumma *of each share amount to rupees* 500.

I. No estate, the sudder jumma *of which may be less than one thousand rupees, shall be liable to be divided into two or more distinct estates.*

II. In cases in which the jumma *of an estate may exceed sicca rupees one thousand, no division of the land shall be made, unless each and every portion proposed to be divided, shall be liable to be assessed with a* sudder jumma *of not less than five hundred sicca rupees.*

Rule as to persons purchasing or inheriting shares of estates.

III. Nothing contained in this regulation shall be construed to restrict the operation of the established laws of inheritance, with regard to landed property; nor to prevent any zemindar, *independent* talookdar, *or other actual proprietor of land, paying revenue to Government, from selling, giving, or otherwise disposing of his share of, or interest in, any estate; nor to preclude the sale thereof, in satisfaction of any decree which may be passed against the proprietor by the courts of judicature; but the person to whom such share or interest may devolve, shall hold the same as a part of a joint undivided estate; unless the land so obtained, and each of the other shares of the said estate, shall be liable to be assessed with a* jumma *of not less than five hundred sicca rupees.*

* The whole of this regulation is rescinded by Section 2, Regulation XIX. 1814.

A. D. 1810. REGULATION V*.

A REGULATION *for amending the existing Rules for the Division of Estates, paying Revenue to Government.*—PASSED *by the Vice-President in Council, on the 2d February* 1810; *corresponding with the 22d Maug* 1216 *Bengal era; the 13th Maug* 1217 *Fussily; the 23d Maug* 1217 *Willaity; the 13th Maug* 1866 *Sumbut; and the 26th Zeheija* 1224 *Higeree.*

Preamble.

EXPERIENCE having shewn that the existing rules for the division of landed property paying revenue to Government, are in many respects defective; inasmuch as they do not sufficiently provide against the artificial delays and impediments which are frequently thrown in the way of the process of the division, by some one or more of the parties concerned, who may be interested in so doing; or, (as often happens,) by the officer employed in conducting the details of that process; nor effectually secure Government from the loss resulting from fraudulent and collusive allotments of the public revenue on the shares of estates when divided: and there being moreover reason to believe, that the restriction which has been laid on the partition of small estates by Regulation VI. 1807, *has been and is the cause of considerable injury to numbers of individual sharers in such estates; thereby inducing a sacrifice of private rights, which the degree of public inconvenience arising from the minute division of landed property does not appear to be of sufficient magnitude to justify or require; with a view therefore to remedy these defects; to expedite the division of landed property paying revenue to Government, when duly authorized by the provisions of Regulations I. and XXV.* 1793, *and their corresponding regulations for Benares, and for the ceded and conquered provinces, with due regard to the permanent security of the public revenue, whatever be the amount thereof; and to obviate the injury to which individual sharers are liable in the case of a joint estate being brought to sale for balances which may have arisen from the default of their coparceners, during the interval while the process of division is pending; the following rules have been enacted, to be immediately in force throughout the provinces subject to the presidency of Fort William.*

Sundry regulations rescinded.

II. Clause first, Section 4, *Regulation XXV.* 1793, *(extended to Benares by Regulation XXVI.* 1795,*) and clause first, Section* 32, *Regulation XXVI.* 1803, *(extended to the conquered provinces by clause first, Section* 18, *Regulation VIII.* 1805,*) are rescinded. Regulation VI.* 1807, *is also rescinded.*

Proprietors of joint estates desirous of separation, to make written application to the collector, who shall publish the same, but shall not make the division in case of written objections being made to the title of persons applying for separation.

III. First. *If one, two, or more of the proprietors of a joint estate (held in common tenancy), shall be desirous to have separate possession of his or their respective share or shares; or if two or more of them shall be desirous to have their shares separated, and to hold them as a joint estate; they are to make a written application for that purpose to the collector of the* zillah, *under their seals and signatures, and attested by four credible witnesses. The collector on receipt of the application shall publish an advertisement, notifying the same to all parties concerned, and specifying that he*

* The whole of this regulation is rescinded by Section 2, Regulation XIX. 1814.

shall

shall proceed to make the division applied for, in fifteen days from the date of the publication of the advertisement, unless any person or persons in the possession of the estate, or any part thereof, shall before the expiration of that time, deny by a writing under his or their seals and signatures, and attested by two credible witnesses, the right of such claimant or claimants to the share or shares so claimed by them, in which case the collector is not to proceed to the division until the disputed title be established or admitted; as prescribed in Section 5, *Regulation XXV.* 1793, *and Section* 33, *Regulation XXVI.* 1803.

How the collector is to proceed when no objection is made.

Second. *In the event of no denial being offered to the claim for separation in the form stated, and within the period limited in the foregoing clause, the collector shall proceed to make the division applied for in the prescribed mode, reporting the same for the information of the Board of Revenue or Board of Commissioners respectively, as the case may happen to lie within the control of the one or the other of those Boards; and all authorized expenses incurred in making the division, are to be borne by the proprietors at large, in the proportions which the* jumma *of their respective shares, after the division has been completed, may bear to the* jumma *of the whole estate. This last rule however is not to be understood to preclude the parties concerned from entering into a private adjustment among themselves of the proportions in which such expenses shall be severally borne by them, and whenever the whole amount demandable on that account shall be tendered to the collector by one or more of such parties, he shall receive the same accordingly; and on the contrary, if the amount be not so tendered, he is to enforce the rule as above laid down; and is to levy the amount, (if it be not paid,) by the same process against the sharer or sharers failing in the payment of their proportions, as is prescribed for levying arrears of revenue.*

The foregoing provisions applicable to the separation of portions of estates, consisting of distinct mohuulls.

Third. *The whole of the provisions of this section for the division of estates held in common tenancy, are to be considered equally applicable to the separation of portions of estates consisting of distinct* mohuulls.

Courts of justice to direct the payment of the expenses of such divisions, in decrees awarding the proprietary right in a portion of an estate.

IV. Whenever the courts of justice may pass a decree awarding to any person the proprietary right in a portion of an estate paying revenue to Government, (whether fractional or consisting of specific lands,) they shall make it a general rule to direct at the same time, that the party or parties who may have withheld the right so decreed, shall defray the whole of the expense which may be incurred in the subsequent processes, of dividing, separating, giving possession of, and apportioning the public revenue upon the portion of the estate or lands so decreed. Provided however, that if any special reasons shall appear for a deviation from this general rule, the courts shall be at liberty to direct the expense in question to be defrayed by all or any of the parties to the decree, in such proportions as the court passing the decree, may from a consideration of the particular circumstances of the case, deem equitable: recording at large on their proceedings, the grounds of every such deviation. Copies of all orders which the courts may pass under this section, are invariably to be transmitted to the collector for his guidance, along with the precept which the court may issue to him under the rule prescribed in clause second, Section 4, *Regulation XXV.* 1793; *and its corresponding clause in Section* 32, *Regulation XXVI.* 1803.

Ameens making the division of estates shall be paid by a per-centage on the amount of the jumma.

V. First. *The practice which has heretofore obtained under Section* 12, *Regulation XXV.* 1793, *and Section* 40, *Regulation XXVI.* 1803, *of assigning a personal monthly allowance and establishment to the* ameen *appointed to make the division of lands, shall be discontinued; and* ameens *so employed shall in future be remunerated for their trouble and the expence of their establishments by an allowance of a per-centage on the amount of the annual* jumma *of the whole estate, a portion or portions of which, (whether fractional or consisting of specific land,) they may be deputed to divide or separate. This per-centage is to be calculated in the following gradations:*

On a jumma *not exceeding* 500 *rupees,* 10 *per cent.*

On a jumma *exceeding* 500 *rupees, but not exceeding* 1000 *rupees,* 10 *per cent. on* 500, *and* 8 *per cent. on the remainder.*

On a jumma *exceeding* 1,000 *rupees, but not exceeding* 2,500 *rupees, on* 1,000 *as above, and* 5 *per cent. on the remainder.*

On a jumma *exceeding* 2,500 *rupees, but not exceeding* 5,000 *rupees, on* 2,500 *rupees as above, and on the remainder* 3 *per cent.*

On a jumma *exceeding* 5,000 *rupees, but not exceeding* 10,000 *rupees, on* 5,000 *as above, and on the remainder* 2 *per cent.*

On a jumma *exceeding* 10,000 *rupees, but not exceeding* 25,000 *rupees, on* 10,000 *as above, and on the remainder* 1 *per cent.*

On a jumma *exceeding* 25,000 *rupees, but not exceeding* 50,000 *rupees, on* 25,000 *as above, and on the remainder* 8 *annas per cent.*

On a jumma *exceeding* 50,000 *rupees, but not exceeding one lack, on* 50,000 *as above, and the remainder* 4 *annas per cent.*

On a jumma *exceeding one lack of rupees to whatever amount, on one lack as above, and on the remainder* 2 *annas per cent.*

Second. *In the above calculations fractions of rupees are to be rejected.*

Rules as to the payment of each per-centage to the ameens, *if the partition be confirmed.*

VI. First. *The collectors are to make an advance to the* ameen *of one-third only of the amount of the above per-centage, on delivery of the* sunnud *to him; and the remaining two-thirds, are to be paid in ten days from the receipt by the collector of a notification from the Board of Revenue or Board of Commissioners, that the partition made by the* ameen *has been confirmed; otherwise the said remaining two-thirds are to be considered subject to the following provisions.*

If the partition be not confirmed.

Second. *If the partition made by the* ameen *be not confirmed, the Board of Revenue and Board of Commissioners are respectively empowered to declare the claim of the* ameen, *to the whole or any part of such remainder to be forfeited or otherwise, as in their discretion, on a consideration of the circumstances of the case, and the conduct of the* ameen, *they may deem proper.*

If the partition be not made within a prescribed time.

Third. *The Board of Revenue and Board of Commissioners, are also respectively empowered to declare the* ameen's *claim to the whole or any part of the said two-thirds to be forfeited or otherwise, in case the partition is not completed within a certain appointed time, and in conformity with the object of this rule, the collector is hereby required to fix the period for the completion of every* butwarra *or division of lands, superintended by him, and which shall be inserted in the* sunnud *delivered to the* ameen.

Further rule when partition may not be made within the prescribed time.

Fourth. *This period shall in the first instance never exceed three months: and if the* butwarra *be not completed on its expiration, immediate report shall be made to the one or other of the Boards, to whose control the case may be subject, with all such explanation of the cause of the delay, as the collector may be able to afford; on receipt of the collector's report, the Board will either direct the* ameen *to be removed from his trust, and his claim to the remaining two-thirds of compensation money to be forfeited; or will fix some further period, (not exceeding one month from the date of their order,) for the completion of the* butwarra *by him; and so on from time to time, if the nature of the duty be such as to require any further extension of period; or will pass such other order on the case, not being contrary to any regulation in force, as in their judgment may seem proper.*

Rules for discouraging all artificial delays, from impediments thrown in the way by the parties.

Fifth. *With the view moreover of discouraging all artificial delays in giving possession of their proper shares to sharers entitled to separation in joint estates, held in common tenancy, it is hereby enacted, that whenever it shall appear to the Board of Revenue or Board of Commissioners, that a* butwarra *duly proceeded upon, is not or cannot be completed within the period originally fixed in the* sunnud *to the* ameen, *by reason of any impediments thrown in the way, by the party or parties holding possession of the estate; it shall be competent for those Boards respectively, upon an application being preferred to them to that effect by the sharer who is out of possession, (either through the collector or otherwise,) to direct immediate possession to be given to such sharer, of a certain quantity of the lands of the estate, the assets of which shall be just sufficient (as far as the same can be ascertained), to produce the amount of the* jumma *payable by such sharer when separated, (and which in all cases of fractional shares, is of course known,) with an advance of twenty per cent. (viz. ten per cent. for* malikana, *and ten per cent. for charges of collection,) and no more. This possession*

session is not however to be considered as a final allotment; but the butwarra *is still to proceed in the regular manner, with a view to the adjustment of any inequalities of proportion which the assets of the lands thus delivered to the possession of the sharer may be ultimately found to bear to the assets of the estate at large; as well as the adjustment of all other points affecting the value of the several shares when divided; so that, on the completion of the* butwarra, *the final allotment of land to the several parties separated, according to the* jumma *payable by them, may in every respect be conformable to the rules prescribed in Sections* 7. *and* 8, *Regulation XXV.* 1793, *and the corresponding sections of Regulation XXVI.* 1803.

Rule as to the expenses of private butwarras.

VII. All the rules prescribed in this regulation, which relate to the expences incurred in making a butwarra, *shall equally apply to the remuneration of the* ameen *who may be appointed to superintend* butwarras *made by the parties themselves or their arbitrators, under the provisions contained in Section* 22, *Regulation XXV.* 1793, *and Section* 52, *Regulation XXVI.* 1803; *but with this difference, that the* ameen *employed in superintending such private* butwarras, *shall only be entitled to receive one-half of the amount of remuneration which the* ameens *employed in making public* butwarras *are entitled to under Section* 5. *of this regulation.*

A register of all confirmed butwarras *to be kept.*

VIII. After the date of this regulation, a register shall be kept in the English language of all confirmed butwarras. *This register shall merely shew the name, the recorded proprietor or proprietors, and the* jumma, *of the estate, as it stood when the* butwarra *was commenced; with the names, the recorded proprietors, and the* jumma *of the several portions thereof made into distinct estates by the* butwarra *when confirmed; together with the date of the confirmation: and whenever any such distinct estate, (created by* butwarra*) shall fall in balance, so as to require a sale of the land for the discharge of the arrear, at any period within three years of the date of the confirmation of such* butwarra, *it shall be the duty of the collector, by every means in his power, to trace the cause of such balance, towards ascertaining whether it has arisen from any fraudulent or erroneous allotment of the assessment, at the time of the division; and whatever may appear to be the cause, to make a special and full report upon the case to the Board, to whose authority he may be subject, and who will determine upon the receipt of such report, whether the sanction of the Governor General in Council shall be obtained, for directing a new allotment of the* jumma *upon the several portions into which the original estate was divided, or otherwise.*

Collector to report in cases requiring a sale of the lands for balances arising from any improper allotment of the jumma *within three years.*

Rules respecting balances accruing during the time a butwarra *is making.*

IX. Whenever the butwarra *of a joint estate held in common tenancy is commenced upon, whether on the direct application of the parties to the collector, or under a precept from a court of justice, the portion of the* jumma *payable by each individual sharer (as before observed) is of course known. In all such cases therefore, if the estate should fall in balance at any time before the* butwarra *be completed and confirmed, it shall be in the option of any one or more of the sharers, (whether in actual possession of their shares or otherwise,) to tender to the collector their proportions of the balance due, which the collector shall receive, and pass to the credit of their shares accordingly: and in the event of a sale of any part of the estate (yet undivided) becoming ultimately necessary for the liquidation of any remaining balance, the portion or portions of the defaulting sharer or sharers only shall be sold, and not those of the sharers who shall have paid their proportions of the balance; and in all such cases the* butwarra *shall go on and be completed for the benefit of the purchaser at the public sale; and who, on making the purchase, will be entitled to separate possession of the portion or portions of the estate, which would have been allotted under the* butwarra, *to the defaulting proprietors: (and which in all such instances are to be sold entire, and will in every respect succeed to all their rights.*

Rules for preventing delays in allotting the jumma *of specific* mohauls *forming part of an estate.*

X. First. *To provide also as far as practicable against any injurious consequences to individuals, from delays and difficulties, which are still observed to attend the allotment of the public revenue upon specific* mohauls, *forming part of an estate held under a general assessment, when ordered to be separated therefrom; notwithstanding the explanatory provisions contained in Sections* 8. *and* 12, *Regulation I.* 1801. *and Section*

Section 60, Regulation XXVI. 1803, the following rules are to be observed in regard to such mohauls.

Second. *Whenever the proprietor of a specific* mohaul *in a joint estate shall be entitled to separation under the regulations, and the separation and allotment of the public revenue upon such distinct* mohaul *shall have been commenced upon, if the estate of which it forms a component part should fall in balance at any time previous to the completion and confirmation of such allotment, so as to require a sale of the whole or any portion of the estate, it shall be in the option of the proprietor of the* mohaul *in question, (and to whom immediate possession thereof is to be given, if it be not already in his possession,) to tender to the collector his share of the balance due, calculated on the proportion which the produce of such specific* mohaul, *with a deduction of twenty per cent. (viz. ten per cent. for* malikana, *and ten per cent. for charges of collection) may bear to the* jumma *of the whole estate. Upon such tender being made, and the collector being satisfied from the inquiries made by him, and the evidence and documents before him, that the produce of the* mohaul *has not been under-rated, he shall receive the amount tendered, and pass it to the credit of the* mohaul *accordingly; and in the event of the sale of any part of the estate becoming ultimately necessary for the liquidation of any remaining balance, such sale shall be made with the expressed exception of the specific* mohaul *in question; and the separation and final allotment of the* jumma *thereupon, shall go on, and be completed in the prescribed manner, for the benefit of all the parties concerned therein. Provided moreover, that if the payment made by the proprietor of the specific* mohaul *under this clause, shall on a final adjustment of the* jumma *of the parties, be found to exceed the true proportion of the balance demandable from him; such proprietor shall be entitled to repayment of the excess from the collector; who shall at the same time proceed to recover the amount thereof from the defaulting proprietor or proprietors, (upon whom a less amount than their just proportions will have been levied) by the same process as he would recover any other arrear of revenue; and* vice versâ. *That is to say, if it shall appear that the proprietor of the specific* mohaul *has paid less than he ought to have paid, the deficiency shall be recovered from him; and any excess which may have been levied from the defaulting proprietor or proprietors shall be made good to them.*

Rules as to balances accruing before the allotment is completed.

XI. *With the alterations and modifications contained in this regulation, and which are to be applied as far as practicable to all* butwarras *commenced prior to this date, but not yet finally adjusted; the rules prescribed in Regulations I. and XXV. 1793; Regulation I. 1801; Regulation XXVI. 1803; and all other existing rules and regulations regarding the division of landed property paying revenue to Government, and the public sales of land for arrears of revenue, are to be held in full force.*

The existing rules regarding the division and sale of lands with the above modifications to be still in force.

A. D 1811. REGULATION IX.

A REGULATION *for facilitating the Division of Landed Property, and for securing the Rights of Joint Sharers in Joint Undivided Estates.*—PASSED *by the Vice-President in Council, on the 30th July* 1811; *corresponding with the* 16*th Sawun* 1218 *Bengal era; the* 24*th Sawun* 1218 *Fussily; the* 17*th Sawun* 1218 *Willaity; the* 10*th Sawun* 1868 *Sumbut; and the* 8*th Rajeeb* 1226 *Higeree.*

Preamble.

WHEREAS the interest and welfare of the landholders require that the division of portions of estates should be easily effected; And whereas the rules hitherto enacted with a view to the accomplishment of that object have been found insufficient; the Vice-President in Council has been pleased to pass the following rules, to be in force from the period of their promulgation, in the districts subject to the control of the Board of Commissioners.

Rules under which *putteedars* or sharers of undivided estates, having the acknowledged right and possession of villages, may cause a separation thereof from the general estate.

II. Any *putteedar* or sharer of a joint undivided estate, having the exclusive and acknowledged right to, and possession of, one or more distinct village or villages in such estate, shall be at liberty, under the following reservations and exceptions, to cause the said village or villages to be separated from the general estate; and the *jumma* of such village or villages shall be allotted, after an exact measurement of the lands comprised therein, by deducting from the gross produce thereof an allowance, according to circumstances, from five to ten per cent. for the expense of management, and ten per cent. of the net income of the proprietor, leaving the remainder as the *jumma* of Government. Provided always, that the quantity of land in actual cultivation at the time of separation, be not less than five-sixths of the land capable of tillage in the said village or villages, and that no objection be offered to the fairness and adequacy of the assessment on the part of the other sharers, in the general estate of which such village or villages formed a part.

What the account of the measurement shall contain, and how they are to be prepared and disposed of.

III. The account of the measurement directed in the preceding section, shall exhibit the whole of the actual gross produce of the lands, and shall be formed under the immediate superintendence of the collector. The original thereof shall be attested by the proprietor requiring the separation, the *putwaree* of the village, the *mirdahs*, *canoongoes*, and *tehsildar* of the *pergunnah*. Copies of all such measurements shall be kept in the office of the *canoongoes*, and annually bound in a book, to be attested with the official seal and signature of the collector, and then returned to those officers for deposit among their records.

How the expense of the measurement is to be defrayed.

IV. The measurement directed in Section 2, shall be made entirely at the expense of the party requiring the division; and the rules laid down in Regulation V. 1810, as far as they regard the mode of payment of persons employed in dividing lands, are to be applied to this case.

How *putteedars* possessing a defined share in an undivided estate, may procure a separate allotment of the proportional *jumma*.

V. Any *putteedar* in the actual possession and occupancy of a defined share in a joint undivided estate, (whether such share be defined by a specific quantity of land, or a specified fractional part of a rupee, or of a *beegha*,) who may be desirous of having a separate allotment made of the proportional *jumma*, to which he would be liable in the proportion of his interest in the estate, shall be at liberty to prefer to the collector an application to this effect; and the collector, on receipt thereof, shall proceed to allot the separate assessment of such share in the mode prescribed by Section 2, for the allotment of entire villages. Provided however, that if the specific interest of the party in the estate shall be disputed by the other sharers, no separate allotment shall take place until his specific interest shall have been ascertained by

by award of arbitration, as provided in a subsequent part of this regulation for claimants not in possession, or by the decree of a court of judicature.

Rules in the case of all the occupant *putteedars* desiring or consenting to an allotment of the *jumma* on their respective shares.

VI. Whenever all the occupant *putteedars* of a joint undivided estate, shall desire or consent to an allotment of the *jumma* on the shares in their respective occupancy, and shall deliver to the collector in writing a petition signed by the whole of them, containing a statement of the proportional allotment affixed by themselves on each share; it shall be competent to the collector, with the approbation of the Board of Commissioners, after having satisfied himself by minute and accurate inquiry that the statement in question is the *bonâ fide* declaration of the subscribing parties; that the signatures are voluntary and authentic; and that Government is not liable to suffer in its interests by the measure, to take separate engagements for each *puttee* from the owner thereof as a distinct proprietor at the *jumma* so fixed by the *putteedars* conjointly; and no non-occupant *putteedar* shall be entitled afterwards to assent to, or dissent from, the allotment.

Rules in the case of such *putteedars* desiring an allotment, but not agreeing as to their respective proportions.

VII. Whenever all the occupant *putteedars* of a joint undivided estate shall desire such an allotment, but may not agree among themselves in regard to their respective proportions of the *jumma* so to be allotted; the collector, on receipt of an application to that effect under the seals or signatures of the whole of such *putteedars*, and after satisfying himself of the voluntary concurrence of all the subscribing parties, shall proceed to allot the proportional *jumma* of each respective share, by causing an actual and exact measurement to be made of the entire estate and of each share, by an *ameen* to be deputed for the purpose, or by the *tehsildar*, *canoongoes*, and *mirdahs* of the *pergunnah*; and the expense of such measurement shall be defrayed by all the *putteedars* in the proportion of their respective interests.

Rules as to the conduct of such allotment.

VIII. The Board of Commissioners shall instruct the collectors, from time to time, as to the mode by which the duties directed in the preceding sections may be best conducted; and all divisions and allotments made under these rules shall be recorded in the *canoongoe's* office, and attested by the parties and by the local *mofussil* officers in the same manner as is directed by Section 3, in regard to the measurement of distinct villages. It is moreover to be understood, that all the provisions of the existing regulations in regard to *ameens* deputed by a collector, shall be held applicable to *ameens* deputed under Sections 2, 5, and 7. of the present regulation.

No division or allotment to be valid until sanctioned by the Board of Commissioners, and Government may revise the assessment within ten years in certain cases.

IX. No division of a share in an estate or allotment of *jumma* therein shall be considered valid, until expressly sanctioned by the Board of Commissioners; and the Governor General in Council reserves to himself the power of revising the assessments made under Sections 2, 5, 6, and 7, at any time within the period of ten years after the making thereof, on proof to his satisfaction of fraud, collusion, or gross error.

Rules in cases of persons not in possession, claiming to be *putteedars*.

X. Any person claiming to be a *putteedar* or joint sharer in an estate, but not having actual possession of any specific portion thereof, shall be at liberty to prefer his claim before the collector, who will thereupon serve on the party or parties, who have engaged for the estate in proprietary right, a written notice, setting forth the claim, and calling upon such party or parties for an admission or denial of the claim; and if the said party or parties admit by a writing authenticated by his or their seal or signature, and attested by the *canoongoes*, the right of the claimant to a specific portion of the estate, it shall be competent to the collector to give the claimant possession of such specific portion, and to proceed to a separate allotment of the *jumma* of such portion, under the provisions of Section 2. or 5. of this regulation, according as such portion may consist either of one or more distinct village or villages, or of a defined share in the entire estate.

Rules in the event of such claims being denied or disputed.

XI. In the event of the claim being denied, or the specific interest of the claimant being disputed, the collector shall recommend to the several parties to submit the matter in dispute to the arbitration of three or more of the neighbouring *zemindars*, assisted by the *canoongoes* of the *pergunnah*; and on the parties consenting to appoint arbitrators, it shall be competent to the collector to tender to the parties for execution arbitration bonds in the form prescribed by Regulation XXI. 1803; and on the due execution of the arbitration bonds by the parties, to refer the matter for decision to the arbitrators; and all the provisions of the said regulation shall be applicable to awards given by arbitrators appointed under this section. Provided however, that if either party refuse to concur in

submitting the matter to arbitration, the claimant shall be left to prosecute his claim by regular suit in the courts of judicature.

What the award or decree in such cases shall contain, and how to be carried into effect.

XII. The arbitrators in all cases referred to them for amicable adjustment under the foregoing section, and the courts of judicature in all suits for *putteedaree* shares of an estate, shall make it a rule, on giving a decision in favour of the claimant, to specify in the award or decree, the precise share to which the claimant may be entitled, whether it consist of one or more distinct village or villages, or of a defined portion of the general estate. The collector on production of such award or decree shall proceed to the separate allotment of the *jumma* of the share thus awarded or decreed under the provisions of Section 2. or 5. of this regulation, according as they may be respectively applicable to the case.

The shares after the separate allotment shall not be liable for any arrears, except such as may accrue on its separate proportion of the *jumma*.

XIII. After the separate allotment of the *jumma* upon any one or more share or shares of an estate, or upon all the shares of an estate shall have been made in conformity to the provisions of Sections 2, 5, 6, or 7. of this regulation, according as the provisions of either may be applicable to the case, and shall have been confirmed by the Board of Commissioners under Section 9; the share or shares upon which a separate proportion of the general *jumma* may have been so allotted, shall not be held liable for any default or arrear of revenue, except such as may accrue on the separate proportion of *jumma* thus allotted upon such share or shares. And in the event of its being necessary to have recourse to a sale of lands for the recovery of any arrear of revenue due from such an estate, the share or shares, from which the arrear may be due, shall alone be liable to be sold.

Board of Commissioners may in certain cases authorise a conditional transfer of defaulting shares.

XIV. In consideration of the peculiar nature of the *putteedaree* tenures to which this regulation is meant to apply, it is hereby declared, that whenever the Board of Commissioners shall deem it expedient not to proceed to the absolute sale of such defaulting share, it shall be competent to the said Board to authorize a conditional transfer of such share to the proprietor of any other share of the same general estate by way of mortgage or conditional sale, for the amount of the arrear, or of such portion of it as may be equal to the value of the defaulter's share, or with a reservation for a further payment to the owner, if the value of the share in the Board's judgment exceed the amount of the arrears: and the defaulting proprietor or proprietors of the share so transferred, and his or their legal representative or representatives, shall be entitled to reclaim possession of such share or shares on repayment of the consideration, for which it may have been so transferred, with legal interest, at any time within five years from the date of the transfer.

Rules as to tenders of repayment under such conditional transfers.

XV. If the person to whom such defaulting share shall have been so transferred, shall on tender of repayment before two competent witnesses, refuse to accept the same and to surrender possession of the land, the party tendering it shall be at liberty to deposit the amount in the *zillah* court; and the judge shall, on such deposit being made, proceed as is directed by Regulation XXXIV. 1803, in regard to the redemption of conditional sales by the act of the party. If payment of the principal and interest shall not be tendered within five years, the *puttee* will of course become the *boná fide* property of the mortgagee.

Deposit to be made with the collector, before any final process for division or allotment shall issue.

XVI. No final process shall issue from the collector's office for the actual division of lands or allotment of *jumma* under any of the rules contained in this regulation, until the parties soliciting such division or allotments shall have deposited with the collector a fee equal to one per cent. on the estimated gross produce of the land so to be divided, as soon as the same may have been ascertained, according to the provisions applicable under this regulation to the case of such division or allotment.

How such deposit is to be appropriated.

XVII. The fee required in the preceding section, shall be annually accounted for to the Board of Commissioners, who will, after inspecting the annual register directed to be prepared by Section 3. of this regulation, direct its appropriation to the benefit of the native officers in such proportions as may appear proper, on a due consideration of the accuracy and industry of those officers in preparing the register, and the general execution of the duties prescribed for facilitating the division of landed property.

These rules not to prevent persons availing themselves of the provisions of Regulation V. 1810.

XVIII. Nothing contained in the foregoing rules shall be construed to prevent persons availing themselves of the provisions contained in Regulation V. 1810, in cases in which they may not wish to apply for and obtain a separation of their *puttees* or shares under the present regulation, or in cases in which this regulation may not be applicable.

A. D.

A. D. 1811. REGULATION XI.

A REGULATION *for extending the Period fixed by the existing Regulations for revising the Jumma on Lands ordered to be divided into two or more Estates.*—PASSED *by his Excellency the Vice-President in Council, on the* 20*th August* 1811; *corresponding with the* 5*th Bhadoon* 1218 *Bengal era; the* 16*th Bhadoon* 1218 *Fussily; the* 6*th Bhadoon* 1218 *Willaity; the* 1*st Bhadoon* 1868 *Sumbut; and the* 29*th Rajub* 1226 *Higeree.*

Preamble.

WHEREAS it is declared by Section 25, Regulation XXV. 1793, extended to Benares, by Section 2, Regulation XXVI. 1795, and re-enacted for the ceded and conquered provinces by Section 55, Regulation XXVI. 1803, in regard to the allotment of the public *jumma* on lands, ordered to be divided into two or more estates, that "if it shall be proved to the satisfaction of the Governor General in Council, within three years after the parties may have been put in possession, that the *jumma* was fraudulently or erroneously apportioned at the time of the division, he reserves to himself the power of ordering a new allotment of the *jumma* upon the several estates, into which it may have been divided, &c." and whereas the security of the public revenue requires that the said period of three years should be extended; the following rules have been enacted, to be in force from the period of their promulgation throughout the provinces immediately dependant on the presidency of Fort William.

Certain parts of Section 25, Regulation XXV. 1793, Section 2, Regulation XXVI. 1795, and Section 55, Regulation XXVI. 1803, rescinded.

II. Such part of Section 25, Regulation XXV. 1793, Section 2, Regulation XXVI. 1795, and Section 55, Regulation XXVI. 1803, as determines the period of time within which it shall be competent for the Governor General in Council to order a revision of the *jumma* with a view to the correction of frauds or errors committed in the original allotment of the *jumma*, is hereby rescinded.

On proof of fraud or material error within ten years subsequent to any future allotment, Government may order a re-allotment of the *jumma*.

III. Should it be proved to the satisfaction of the Governor General in Council, that any fraud or material error has been committed in the allotment of the *jumma* on lands ordered to be divided into two or more distinct estates from and after the date of this regulation, within the term of ten years, subsequent to the period at which such division and allotment may have been made, it shall be competent for the Governor General in Council to order a re-allotment of the *jumma* on the principles established by the existing regulations.

The period of ten years to be calculated from the date of the confirmation of the allotment by the Board of Revenue, or Board of Commissioners.

IV. *First.* The period of ten years shall be calculated from the date on which the partition of the lands and allotment of the *jumma* may receive the confirmation of the Board of Revenue or Board of Commissioners, according as the lands may be situated in the districts subject to the control of those Boards in all matters connected with the land revenue respectively: and no such partition and allotment is to be considered to be final or valid, (as is in substance provided by the existing regulations,) until it shall have been formally and expressly sanctioned by one or other of those authorities.

Tahoods and engagements not to constitute distinct estates, until sanctioned by Government or the Boards.

Second. In like manner *tahoods* executed for portions of estates, and the correspondent engagements shall not be considered to constitute distinct estates, until the acceptance of them shall have been formally and expressly sanctioned by the Government, or the Board of Revenue, or Board of Commissioners.

A. D. 1814. REGULATION XIX.

A REGULATION *for reducing to one Regulation, with Alterations and Additions, certain Regulations respecting the Partition of Estates paying Revenue to Government.*—PASSED *by the Vice-President in Council, on the* 17*th September* 1814, *corresponding with the* 2*d Assin* 1221 *Bengal era; the* 18*th Bhadoon* 1221 *Fusily; the* 3*d Assin* 1221 *Willaity; the* 4*th Bhadoon* 1871 *Sumbut; and the* 2*d Shawul* 1229 *Higeree.*

Preamble.

WHEREAS difficulty has in many instances been experienced in providing fit persons to undertake the partition of estates, paying revenue to Government, from the inadequacy of the remuneration prescribed in Regulation V. 1810, in some cases, particularly in instances when measurement of the land becomes necessary; and whereas it has been deemed expedient to make provision for defraying the expense attendant on such measurement, and for augmenting the remuneration to the *ameen* appointed to make the partition, in cases where the Board of Revenue or Board of Commissioners may consider such augmentation equitable, and whereas it will tend to the public convenience to reduce to one regulation, certain regulations at present in force, respecting the partition of estates paying revenue to Government; the following rules have been enacted, to be in force from the period of their promulgation throughout the territories immediately dependant on the presidency of Fort William.

Regulations rescinded.

II. Regulation XXV. 1793, Regulation XXVI. 1795, Sections 12 and 13, Regulation I. 1801, Section 29, and the remaining Sections of Regulation XXVI. 1803, Regulation VI. 1807, and Regulation V. 1810, are hereby rescinded.

Division of estates to be made by the collector.

III. The division of every *zemindaree*, independent *talook*, or other estate paying revenue immediately to Government, which may be ordered to be divided into two or more distinct estates, and the apportioning of the fixed *jumma* of the whole of the estate on the several shares, are to be executed under the superintendence of the collector of the district, in which the estate may be situated.

Proprietors of a joint estate entitled to have a division of it at their own expense.

IV. *First.* If all the proprietors of a joint undivided estate shall be desirous to have their estate divided into two or more separate estates, they are to make a written application for that purpose to the collector of the district, under their seals and signatures, and attested by four credible witnesses, specifying the shares which belong to them respectively, and whether they are desirous of having separate possession of their respective shares, or whether any two or more of them purpose to hold their shares as a joint estate. On receipt of the written application above noticed, the collector shall proceed to divide the estate into the number of shares requested, reporting the same to the Board of Revenue or Board of Commissioners, as the case may happen to be within the control of the one or the other of those Boards; all authorised expenses incurred in making the division, are to be borne by the proprietors, in the proportion which the *jumma* of their respective shares after the division has been completed may bear to the *jumma* of the whole estate.

One, two, or more proprietors of a joint estate entitled to have their shares separated; but collectors not to proceed to a division, should any of the parties in possession object to the right of the claimants to a separation, until the claim shall be established in a court of justice.

Second. If one, two, or more of the proprietors of a joint estate held in common tenancy shall be desirous to have separate possession of his or their respective share or shares, or if two or more of them shall be desirous to have their shares separated and to hold them as a joint estate, they are to make a written application for that purpose to the collector under their seals and signatures, and attested by four credible witnesses. The collector on receipt of the application shall publish an advertisement, notifying the same to parties concerned, and specifying that he shall proceed to make the division applied for in fifteen days from the date of the publication of the advertisement, unless any person or persons in possession of the estate or any part thereof, shall before the expiration of that time, deny by a writing under his or their seals and signatures, and attested by two credible witnesses, the right of such claimant or claimants to the share or shares so claimed by him or them, in which case the collector is not to proceed to the division until the disputed title be established in a court of justice, or admitted by the party or parties so disputing it, by a writing to that effect under his or their seals and signatures, and attested by four credible witnesses.

Collector how to proceed, when no objection is made.

Third. In the event of no denial being offered to the claim for separation in the form stated, and within the period limited in the foregoing clause, the collector shall proceed to make the division applied for in the mode hereafter described, reporting the same for the information of the Board of Revenue or Board of Commissioners, as the case may be; and all authorized expenses incurred in making the division are to be borne by the proprietors at large, in the proportions which the *jumma* of their respective shares, after the division has been completed, shall bear to the *jumma* of the whole estate. This last rule however is not to be understood to preclude the parties concerned from entering into a private adjustment among themselves of the proportions in which such expenses shall be severally borne by them; and whenever the whole amount demandable on that account shall be tendered to the collector by one or more of the parties, he shall receive the same accordingly, and on the contrary, if the amount be not so tendered, he is to enforce the rules as above laid down, and is to levy the amount (if it be not paid) by the same process against the sharer or sharers failing in the payment of their proportions as is prescribed for levying arrears of revenue.

The foregoing rule applicable to portions of estates, consisting of distinct *mohauls*.

Fourth. The whole of the provisions of this section for the division of estates held in common tenancy, are to be considered equally applicable to the separation of portions of estates consisting of distinct *mohauls*.

Courts of justice to direct payment of the expenses of divisions in decrees awarding the proprietary right in disputed cases.

V. Whenever the courts of justice may pass a decree awarding to any person the proprietary right in a portion of an estate paying revenue to Government, (whether fractional or consisting of specific lands,) and may issue a precept to the collector requiring him to divide the estate, and (provided it be not held *khas*, or let in farm by Government) to put the parties in possession of the shares, to which they may be entitled under the decree, they shall make it a general rule to direct at the same time, that the party or parties who may have withheld the right so decreed, shall defray the whole of the expense which may be incurred in the subsequent process of dividing, separating, and giving possession of, and apportioning the public revenue on the portion of the state or lands so decreed. Provided however, that if any special reasons shall appear for a deviation from this general rule, the courts shall be at liberty to direct the expense in question to be defrayed by all, or any of the parties to the decree, in such proportions as the court passing the decree may, from a consideration of the particular circumstances of the case, deem equitable. Copies of all orders which the courts may pass under this section, are invariably to be transmitted to the collector for his guidance, together with the precept which the court may issue to him, requiring him to divide the estate, and to put the parties in possession of the shares to which they may be entitled under the decree.

Two or more estates which originally formed part of the same *zemindaree*, &c. may be united and registered as one estate.

VI. If two or more estates that may have originally formed specific and ascertained portions of the same *zemindaree*, *talook*, or *chowdrai*, shall come into the possession of one person, or if one, two, or more persons shall possess two or more shares of any such estate, such person or persons shall be entitled to have such shares united, and to hold them as one estate. Application for the union of estates is to be made to the collector of the *zillah* in writing,

writing, under the seal and signature of the proprietor or proprietors, and attested by two credible witnesses, and the collector (provided he see no objection) shall comply with the application, and cause the necessary entries to be made in the records of his office, reporting the circumstance to the Board to which the case may appertain.

VII. When a division of an estate shall be ordered to be made, each of the portions into which the property shall be directed to be divided shall be formed of entire, and (as far as the situation of the lands and other local circumstances may admit) contiguous *mohauls* or villages, so that each estate may be as compact as possible. Provided that if the property so ordered to be divided, shall not consist of a sufficient number of villages to admit of one or more whole village or villages being included in each estate, the division of the village or villages of which the property may consist, is to be made so as to render each estate as compact as possible.

Each estate to be as compact as possible.

VIII. The public revenue shall be assessed on each estate into which the property shall be ordered to be divided in conformity with the rules prescribed in Regulation I. 1793, with respect to estates situated in the provinces of Bengal, Behar, and Orissa; Regulation XXVII. 1795, in the province of Benares; Regulation XXV. 1803, in the ceded provinces; Regulation IX. 1805, in the conquered provinces; and with Regulation XII. 1805, in the province of Cuttack; but in selecting the *mohauls* or villages, to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads or navigable rivers, the nature and quality of the soil and produce, the quantity of waste land, the depth at which water may be procurable, the number of tanks, the state of the embankments and water courses, and every other local circumstance affecting the present, or likely to influence the future value of the lands, are to be duly considered, and the *mohauls* or villages to be included in each estate, fairly and impartially selected accordingly.

Public revenue to be assessed upon each estate agreeably to the rules herein prescribed.

Rules for selecting the lands to be included in each estate.

IX. If a dwelling house belonging to one sharer, shall be situated in a *mohaul* or village, which may be included in the estate of another, the proprietor of such house shall be at liberty to retain it, with the offices, buildings, and ground immediately attached to it, upon paying to the proprietor of the *mohaul* or village an equitable rent for the ground; and the limits of the ground, and the rent to be paid for it, shall be particularized in the paper of partition.

The dwelling house, &c. of one sharer to be retained by him, although situated in the share of another on payment of rent.

X. Tanks, reservoirs, water courses, and embankments, shall be considered as attached to the land for the benefit of which they were originally made. In cases in which from the extent, situation, or construction of works of this nature, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates, the paper of partition is to specify as far as circumstances may admit, the proportion of the benefit which each estate is entitled to derive therefrom, and of the expense of the repairs with which it is to be charged.

Rules with respect to tanks, embankments, &c.

XI. Places of worship that may have been held in common previous to the division of a *zemindaree* or other estate, shall be continued on the same footing, unless the parties shall otherwise agree amongst themselves, in which case they are to signify their determination in writing to the *ameen*, who shall insert it in the paper of partition.

And places of religious worship.

XII. When an estate shall be ordered to be divided, the collector shall appoint a creditable *ameen* to make the division, who shall receive a per centage (as hereafter specified) on the amount of the *jumma* of the whole estate, as a remuneration for his trouble and the expense of establishment.

Divisions of an estate to be made by an *ameen* to be appointed by the collector, and paid by a per-centage on the *jumma*.

XIII. *First.* The collector is empowered and directed to administer the following oath to the *ameen* previous to his proceeding to make the division:—

Oath to be taken by the *ameens*.

"I A. B. appointed to make the division of the estate of ——— in the *zillah* of ——— solemnly swear, that I will fairly and impartially, and as expeditiously as may be practicable, make the division of the property, and apportion the public revenue upon each distinct estate into which it is directed to be divided, to the best of my knowledge and judgment, according to the regulations passed by the Governor General in Council; that I will not directly or indirectly receive, or allow any other person to receive any fee, present, or reward whatever, from any of the sharers or any persons on their behalf, on account of the division

or any matter connected therewith; that I will not derive any advantage or emolument from my appointment, excepting such as may be expressly allowed to me, and be authorised by this regulation; and that I will deliver to the collector all such papers and accounts as may come into my possession respecting the estate which I am appointed to divide."

Penalty for *ameens* convicted of corruption in opposition to their oaths.

Second. If the *ameen* shall be convicted before the magistrate of the *zillah* of receiving, or allowing any other person to receive, directly or indirectly any money or effects, or other property from the sharers, or from any person or persons on their behalf, in opposition to his oath, he shall be sentenced to pay a fine to Government of three times the amount of the money or value of the property so received by him, or by any other person with his permission, and to imprisonment not exceeding six months; and all prosecutions before the magistrate under this clause shall be for a criminal misdemeanor at the instance of the collector of the district, through the *vakeel* of Government. It is however at the same time hereby further declared, that the *ameen* shall be also liable to a suit for the same offence in the *dewanny adawlut* of the *zillah*, and shall on conviction be compelled to restore the money or property to the party from whom it may have been received with all costs to the party prosecuting, and be imprisoned until he shall make good the decree, or the amount of it shall be liquidated by the sale of his property.

Documents with which the collector is to furnish the *ameen*.

XIV. The collector is to deliver to the *ameen* a *sunnud* of appointment, under his official seal and signature, in which are to be specified the name of the estate, the names of the different sharers, their respective proportions, the number of separate estates into which the property is to be divided, and the shares included in each estate, together with a copy of the regulations under which he is to make the division, and of any entries in the official records which may relate to the property to be divided.

Rates of per-centage to be allowed to the *ameen*.

XV. *First.* The per-centage to be allowed the *ameen* shall be calculated in the following gradations.

On a *jumma* not exceeding 500 rupees, 10 per cent.

On a *jumma* exceeding 500 rupees, but not exceeding 1,000 rupees, 10 per cent. on 500, and 8 per cent. on the remainder.

On a *jumma* exceeding 1,000 rupees, but not exceeding 2,500 rupees, on 1,000 as above, and 5 per cent. on the remainder.

On a *jumma* exceeding 2,500 rupees, but not exceeding 5,000 rupees, as on 2,500 rupees above, and on the remainder 3 per cent.

On a *jumma* exceeding 5,000 rupees, but not exceeding 10,000 rupees, on 5,000 as above, and on the remainder 2 per cent.

On a *jumma* exceeding 10,000 rupees, but not exceeding 25,000 rupees, on 10,000 as above, and on the remainder 1 per cent.

On a *jumma* exceeding 25,000 rupees, but not exceeding 50,000 rupees, on 25,000 as above, and on the remainder 8 annas per cent.

On a *jumma* exceeding 50,000 rupees, but not exceeding one lack, on 50,000 as above, and on the remainder 4 annas per cent.

On a *jumma* exceeding one lack of rupees to whatever amount, on one lack as above, and on the remainder 2 annas per cent.

In the above calculations fractions of rupees are to be rejected.

In cases in which a measurement of lands may be necessary, the *ameen* to be separately paid for such duty.

Second. The per-centage or commission fixed under the foregoing section, shall be considered as a remuneration to the *ameen* only and for such establishment as it may be necessary for him to entertain; but where a measurement of the lands may be necessary, the additional establishment of subordinate *ameens* and other officers which may be requisite for the performance of this duty, shall be separately paid by the several sharers in proportion to their respective interests in the estate, by a monthly allowance, to be approved by the collector.

The collector to advance one-third of the per-centage to the *ameen*.

Third. The collector, on delivering the *sunnud* to the *ameen*, shall advance to him one-third of the above per-centage, and the remaining two-thirds shall be subject to the following provisions.

Fourth. When the partition shall be in such a state of forwardness as to be considered to be half completed, as ascertained from the admission of the parties concerned, or from any other sources of information or documents with which the collector shall be satisfied, one-third more shall be advanced to the *ameen*, and the remaining one-third shall be paid on the collector receiving notification that the partition has been confirmed.

Further advances to be issued according to the progress made in forming the partition.

Fifth. If the partition made by the *ameen* be not confirmed, the Board of Revenue or the Board of Commissioners are respectively empowered to declare the claim of the *ameen* to the remaining portion of the commission to be forfeited or otherwise, as in their discretion, on a consideration of the circumstances of the case, and the conduct of the *ameen*, they may deem proper.

What course to be observed when the partition may not be confirmed.

Sixth. The collector shall on deputing the *ameen*, fix such period as in his judgment will be sufficient for the completion of the partition, but in the event of extension of time being necessary, it shall be competent to the collector to extend the period from time to time as the nature of the duty shall be found to require. Provided that if an *ameen* shall not make due progress in, or shall unnecessarily delay the completion of a partition, or shall be negligent, or be convicted of any misconduct in the execution of his duty, the collector shall immediately suspend the *ameen*, and report the circumstance to the Board, to which the case shall be subject, with an explanation of the cause of the delay; the Board on receipt of the report will, if there appear sufficient grounds, direct the *ameen* to be removed from his trust, and his claim to all arrear of commission to be forfeited, and will make such further arrangement for the completion of the duty, as the nature of the case may require.

Rules for proceeding in cases, when the partition may not be made within a prescribed time.

Seventh. In the event of a partition being protracted to such a period, that the percentage to the *ameen* may not be considered a sufficient remuneration for his trouble and the payment of his establishment, it shall be competent to the Boards respectively, to allot to the *ameen* the whole or part of any fine or fines which may be levied under this regulation, as on a consideration of the circumstances of the case and the conduct of the *ameen* they may deem proper.

How the *ameen* is to be paid, when the per-centage may be considered an inadequate remuneration.

Eighth. In the event of the *ameen* being removed from his situation, and of another person being appointed to complete the duty, it shall be competent to the Boards respectively to appropriate the amount of such fines, as well as of any forfeited arrear of per-centage of the first *ameen*, to the payment of the expenses of the partition to be completed by the second *ameen*.

Rule for the appropriation of fines and per-centage, when the *ameen* may be superseded.

XVI. Upon the arrival of the *ameen* on the spot, he is to survey in person the different parts of the property, so as to enable him to select the lands to be included in each estate, in conformity to the rules prescribed in Sections 7, 8, 9, 10, and 11.

Ameen to survey the different parts of the estate in person.

XVII. *First.* The proprietors, or their local *naibs* or representatives, are to furnish the *ameen* with the accounts of the gross produce of each *mahal* and village, and all other accounts or information requisite to enable him to assess the public revenue on each of the states into which the property is to be divided, in conformity to the rules prescribed in the present regulation.

Proprietors to furnish the *ameen* with the necessary accounts, to enable him to allot the *jumma* on the several shares.

Second. The proprietors, or their local *naibs* or representatives, are to swear to the truth of the accounts before the *ameen*; or if they shall be of the description of persons whom the courts of judicature are empowered to exempt from taking oaths, the collector is to authorize the *ameen* to receive from them a solemn declaration to the truth of the accounts. If the proprietors shall omit to furnish the required accounts, the persons withholding them shall be liable to such daily fine, until they produce them, as the Board of Revenue or Board of Commissioners respectively may judge it proper to impose, upon a consideration of the case, and their situation and circumstances in life; and the amount of the fine shall be levied by the collector by the same process as is prescribed for levying arrears of revenue.

Proprietors, their local *naibs* or representatives, to swear to the truth of the accounts; or if exempted from swearing, to subscribe the usual declaration.

Or on omitting to furnish the required accounts declared liable to fine.

Third. The proprietors, or their local *naibs* or representatives, are likewise to cause the *putwarees* and other *zemindaree* officers to attend the *ameen*, to explain the accounts, and furnish him with such information as he may require for dividing the estate and apportion-

Such proprietors, &c. to cause their *putwarees*, &c. to attend the *ameen* under the penalty pre-

scribed in the preceding section.

Putwarees refusing to deliver their accounts, or acting contrary to the prescribed rules, how to be proceeded against.

ing the public *jumma*, under the penalty of being fined in the same manner as for omitting to produce their accounts. *Putwarees* refusing to deliver their accounts, or otherwise acting contrary to the rules contained in Section 62, Regulation VIII. 1793, and the corresponding sections in Regulations XXVII. 1795, and XXIX. of 1803, shall be proceeded against as therein directed.

Documents to be delivered to the collector by the *ameen* when he has completed the division.

XVIII. When the *ameen* has completed the division of the property, and allotted the public revenue on each estate, he is to submit to the collector the papers of the division and allotment, which are to specify the names of the *mohaul* or villages included in each separate estate into which the property may have been divided, the gross produce of each *mohaul* and village for the three years preceding the year in which the division may be ordered to be made, and the proportion of the public *jumma* which he may have assessed thereon, with such observations regarding the manner in which he may have selected the lands included in each estate, and the accounts from which he may have apportioned the public revenue of them, as may be necessary for the information of the collector, together with a detail of the adjustment which he may have made respecting the tanks, places of worship, or other matters specified in Sections 9, 10, and 11. of this Regulation.

Collector, after examining the documents and hearing the objections of the parties, to draw out a paper of partition.

What the paper is to contain.

XIX. *First.* The collector shall examine the documents which may be delivered to him by the *ameen*, and after receiving any objections or remarks which may be offered to him by the sharers in person, or by their *vakeels*, he shall draw out a paper of partition, specifying the *mohauls* or villages included in the several estates into which the property may have been divided, the gross produce of each *mohaul* or village, the allotment of the public *jumma* upon each, the name or names of the proprietor or proprietors of each estate, and, where an estate is to be held as the joint property of two or more persons, their respective shares in the estate, together with the stipulations which may have been made respecting any of the matters mentioned in Sections 9, 10, and 11, and transmit a copy of the paper to the Board of Revenue, or the Board of Commissioners, as the case may be, with such observations as may be necessary to enable them to judge, whether the division of the property, and the allotment of the *jumma* on each estate into which it may have been divided, have been made agreeably to the regulations.

Collector how to act, previously to forwarding the paper of the partition to the Board of Revenue or Board of Commissioners.

In what cases the sharers are to be put in immediate possession.

Second. Previously to forwarding the paper of partition as required by the preceding clause, the collector shall furnish the sharers with a copy of it. In the event of the whole of the sharers, by a written declaration under their seals and signatures, and attested by four credible witnesses, declaring their satisfaction with the partition statement so communicated to them, or in the event of none of the sharers offering any objection thereto, within fifteen days after they shall have respectively received the copies delivered to them, the collector, on receipt of the general declaration of satisfaction in the former case, or in the latter on the expiration of the period above stated, shall proceed to put the parties in possession of their respective shares, reporting the same to the Board of Revenue or Board of Commissioners, and submitting to them a copy and translation of the partition statement and allotment of the assessment; but such allotment of the assessment shall not be deemed conclusive until it shall have been confirmed by the Board of Revenue or Board of Commissioners, who are respectively authorized to make any alterations therein, which may appear to them necessary for the purpose of carrying into effect the proportionate rule of allotment prescribed in the regulation cited in Section 8. of this regulation. The Board of Revenue and Board of Commissioners are severally empowered to confirm, or make such alterations in the division of the property and the allotment of the public revenue on each estate, or other matters specified in the paper of partition, as may appear to them proper, except in case of a reduction of the fixed assessment. The Board of Revenue and Board of Commissioners may order further inquiries to be made, before they pass their determinations on the division, in cases in which it may appear to them necessary.

Allotment of the assessment to be confirmed by the Board of Revenue or Board of Commissioners.

Who may alter the same, if necessary, in pursuance of certain rules.

The Boards also empowered to alter the division of landed property.

Or if necessary may direct further inquiries, previous to determining on the case.

Rule in the event of sharers objecting to the partition statement.

Third. In the event of any objections to the partition statement being offered by the sharers or any one of them, within the period of fifteen days specified in the preceding clause, the collector shall not put the parties in possession, but shall transmit without delay, a copy and translation of such objections to the Board of Revenue or Board of Commissioners; together with a copy and translation of the partition statement, and of the whole, or such

part of the *ameen's* report as may be applicable to the points objected to, and such further information as may be necessary to enable the Board to form a satisfactory opinion on the case.

XX. *First.* The determination of the Board of Revenue or Board of Commissioners on the paper of partition shall be final, and the collector, on receiving notification thereof, shall put the parties in possession of their respective estates, and immediately make the necessary entries in the records of his office, after comparing the documents delivered by the *ameen* with the former entries regarding the estate, and correcting or supplying any errors, or omissions which may be discovered in those entries.

Decision of the Board of Revenue and Board of Commissioners to be final, and the parties to be put in possession by the collector, who shall make the necessary entries in the records.

Second. No objections from the sharers to the partition communicated to them by the collector in the first instance shall be received by the Board of Revenue or Board of Commissioners after the prescribed period of fifteen days, without good cause for the delay being shewn to their satisfaction.

No objection to the partition made by the collector to be received by the Boards after fifteen days, unless good cause be assigned.

Third. Whenever the objections to the collector's partition which may be preferred to the Board of Revenue or Board of Commissioners shall clearly appear to be groundless, vexatious, and litigious, it shall be competent to the Board of Revenue or Board of Commissioners to impose such fine upon the defaulter as may be deemed proper, on consideration of the circumstances of the parties and the nature of the case. Such fine shall be recovered by the same process as is prescribed for the recovery of arrears of revenue.

Boards may fine a defaulter for preferring groundless, vexatious, or litigious objections.

How such fine shall be recovered.

XXI. If any of the sharers in a joint undivided estate, shall by withholding the requisite accounts and papers, or by any other voluntary act, impede or oppose the division of the estate, when the same may have been ordered and proceeded upon in the mode prescribed by the regulations, the party or parties so offending shall on the report of the collector to the Board of Revenue, or Board of Commissioners as the case may be, be liable to such fine as the Boards respectively, on consideration of the circumstances of the case, may judge proper to impose; and the fine so ordered shall also be levied in the mode prescribed by the regulations for the recovery of arrears of revenue. It is hereby further explained, that whenever a daily fine may be imposed under any part of this regulation for the purpose of causing the delivery of accounts or otherwise, and such fine may be imposed by the collector, the operation of such daily fine (provided it be approved by the Board of Revenue or Board of Commissioners as the case may be) or of such part thereof as may receive their approbation, shall commence from the date when the fine may have been first notified to the party on whom it is imposed, unless in any case, it should be otherwise ordered by the Board of Revenue or Board of Commissioners, or be otherwise provided by the original order of the collector.

Board of Revenue and Board of Commissioners, may impose a fine on every person withholding accounts, or otherwise obstructing the division of an estate.

XXII. In the cases specified in clauses first and second, Section 4. of this regulation, if all the proprietors of the estate to be divided shall agree to make the division themselves, and to allot the public *jumma* upon each estate, and to adjust all other matters respecting the division agreeably to the regulations, they shall present a petition to that effect, under their seals and signatures, and attested by four credible witnesses, to the collector, who shall issue directions to the *ameen* accordingly. But the proprietors shall produce the required accounts before the *ameen*, and swear or subscribe a solemn declaration to the truth of them; and the division of the lands, and the apportioning of the *jumma*, and every other matter relating thereto, shall be settled in the presence, and subject to the inspection of the *ameen*, who shall be responsible for the regulations being in every respect observed. In like manner, if all the proprietors of the estate which may be ordered to be divided in the cases specified in the foregoing clauses and section, shall agree to refer the division of the estate, and the apportioning of the public *jumma*, and the adjustment of all other matters respecting the division, to an arbitrator or arbitrators, they shall present a petition to that effect to the collector, attested by four credible witnesses, and specifying the name of the arbitrator or arbitrators whom they may choose, and where two or more arbitrators are chosen, the name of the umpire; upon the receipt of the petition, the collector shall direct the *ameen* to cause the parties to execute arbitration bonds, the proprietors shall produce the necessary accounts before the arbitrators, and swear, or subscribe a solemn declaration to the truth of them, before the *ameen*, and the division of the lands, and the allotment of

Divisions of estates may be made by the sharers themselves, or by arbitrators under the inspection of the *ameen* in certain cases.

of the *jumma*, and every other matter relating thereto shall be settled by the arbitrator or arbitrators, in the presence and subject to the inspection of the *ameen*, who shall be responsible for his or their proceeding according to the regulations. When the sharers, or the arbitrator or arbitrators in the cases above specified, shall have adjusted the division of the property and the allotment of the public *jumma* on each estate, and all matters relating thereto, and the whole shall have undergone the revision of the *ameen*, he shall submit all the documents and papers specified in Section 18. of this regulation to the collector, who upon the receipt of them, shall proceed in the same manner as if the division had been made without the interference of the parties, or the arbitrator or arbitrators; and all the rules contained in this regulation regarding divisions made solely by the *ameen*, shall be held applicable to divisions made by the parties or arbitrators under this section.

How the *ameen* employed in superintending private partitions is to be remunerated.

XXIII. All the rules prescribed in this regulation which relate to the expenses incurred in making a partition shall equally apply to the remuneration of the *ameen* who may be appointed to superintend partitions made by the parties themselves or their arbitrators, under the provisions contained in the preceding section; but with this difference, that the *ameen* employed in superintending such private partitions, shall only be entitled to receive one-half of the amount of remuneration which the *ameens* employed in making public partitions are entitled to under Section 15. of this regulation.

Cases in which the sharers are to draw lots for the lands that are to form their respective estates, after the division is finally adjusted.

XXIV. To remove, as far as may be possible, every inducement to fraud or partiality in the division of landed property, it shall be a rule, that, where two or more of the estates shall consist of the same proportions of the whole property divided, the parties entitled to them shall (excepting in the case subsequently specified) draw lots for the divisions, in the public *cutcherree*, before the collector, who shall be held responsible that in drawing the lots, no unfair means are practised. Agreeably to this rule, if any landed property shall be ordered to be divided into four estates, each consisting of a four annas share or four-sixteenths, or into three estates, one consisting of an eight annas share or eight-sixteenths, and the other two each of four annas or four-sixteenths of the whole property, after the division and allotment of the public revenue, and every other matter relating to the division shall have been finally adjusted, the proprietors of the four shares in the first case, and of the two four-anna shares in the second, shall draw lots for the divisions; unless they shall settle amongst themselves which division of the property each party is to receive, and present a petition to the collector under their respective seals and signatures, and attested by two credible witnesses, specifying the divisions which each of them may have agreed to take, in which case, the collector shall put them in possession of the divisions which they may respectively select.

Governor General in Council reserves to himself the power of ordering a new allotment of the public *jumma*, should it be proved to his satisfaction within ten years that the allotment was fraudulently or erroneously made;

And to order the parties whose estates may have been over-assessed, to be indemnified by the sharers whose estates may have been under-assessed.

XXV. To guard against collusion, or error in the distribution of the public *jumma* on landed property which may be ordered to be divided into two or more distinct estates, it is declared, that if it shall be proved to the satisfaction of the Governor General in Council, within ten years after confirmation of the partition as prescribed in Section 3, Regulation X. 1811, that the *jumma* was fraudulently or erroneously apportioned at the time of the division, he reserves to himself the power of ordering a new allotment of the *jumma* upon the several estates into which it may have been divided conformably to the principles prescribed in the regulations cited in Section 8. of this regulation, an estimate of the gross produce of each estate at the time of the division, to be made agreeably to the best evidence and information which may be procurable respecting it; and further, of ordering the parties, whose estates may appear to have been under-assessed, to pay the sharers upon whose estates the assessment may have been excessive, the sum of which they may be found to have been defrauded by the over-assessment, and in the event of their omitting to discharge the amount, to cause it to be levied by the collector by the process prescribed for the recovery of arrears of revenue.

Parties not attending in person to appoint *vakeels* with full powers to act for them.

XXVI. If any of the sharers in landed property ordered to be divided, from indisposition or other cause, shall be unable or shall not choose to attend the collector or the *ameen* in person, in the cases required, they shall depute a *vakeel* duly appointed with powers to perform all such acts as they themselves are authorized or required to perform under this regulation, until the division of the property shall be finally adjusted.

XXVII. If all the sharers in landed property ordered to be divided shall be females, not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the collector shall report the same to the Board of Revenue or Board of Commissioners, who are enjoined to be careful that the rights of such proprietors are duly attended to in the division. In instances where more proprietors than one possess an undivided estate, and part of such proprietors shall come under any of the descriptions of disqualified landholders above mentioned, having guardians, such guardians shall vote and act for them, in all matters relating to the division of their lands under this regulation.

Board of Revenue and Board of Commissioners to take care that the rights of females and other disqualified landholders are duly attended to in divisions.

XXVIII. Landed property for the payment of the public revenue, assessed upon which engagements have been or may be concluded with the proprietors, and which may be ordered to be divided under this regulation, shall remain under charge of the manager appointed by the proprietors of joint undivided estates; and the whole of it shall be held answerable for the payment of the public revenue assessed upon it (except in the cases hereafter specified) until the division shall have been finally adjusted and ratified, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.

Joint landed property to be held responsible for the payment of the public revenue, until the parties are put in possession of their distinct shares.

XXIX. In cases where the landed property to be divided is held *khas*, or let in farm by Government, the partition, inasmuch as regards the allotment of the lands, shall be made agreeably to the rules prescribed in this regulation, as far as they may be applicable to lands so circumstanced; and the farmer, or the native collector of the revenue on the part of Government, shall produce all the accounts and papers which he may possess respecting the lands, upon receiving a requisition to that effect from the *ameen*: such property, when divided, will be subject to the rules contained in the regulations cited in Section 8. of this regulation.

Rules respecting the division of landed property let in farm or held *khas* by Government.

XXX. In order to obviate doubts respecting the descriptions of joint estates to which the several provisions contained in this regulation are meant to be applied, it is hereby explained, that the whole of the said provisions are applicable to joint estates held in common tenancy, viz. where all the sharers have a common right and interest in the whole of the estate, without any separate title to distinct lands or *mohauls*, forming part of the estate held under one general assessment. Many of these provisions, however, (such as those which direct a compact division of the lands, the selection of lands of equal value for the several sharers, and other circumstances relative to an equal partition of the estate,) have evidently an exclusive reference to the division of landed property between tenants in common, or copartners with equal rights in every part of the estate, and cannot be applied to portions of estates, consisting of specific *mohauls*, or lands held by purchase or otherwise from the former proprietor, and separable from his estate under the regulations, subject to a proportionate allotment of the public assessment conformably to the rules prescribed in the regulations cited in Section 8. of this regulation, but remaining annexed to the original estate, until the distinct assessment of the separable portion shall have been adjusted and separately engaged for. In such cases, the provisions in this regulation, which respect the adjustment of the assessment, the accounts to be delivered and examined for this purpose, the responsibility of the whole original estate until a distribution of the assessment shall have been finally determined and ratified, and the power which the Governor General in Council reserves to himself of ordering a new allotment of the assessment in the event of its being proved to his satisfaction, within ten years, that the allotment made was fraudulent or erroneous, are alone to be considered applicable with the further provisions contained in the present regulation. But all new allotments of the assessments in the cases here referred to, as in all other cases whatever, shall be reported for the sanction of the Board of Revenue or Board of Commissioners, and shall not be deemed conclusive or valid until confirmed by those Boards, or in the event of any reduction of the fixed assessment, until approved by the Governor General in Council.

All the provisions of this regulation explained to be applicable to joint estates held in common tenancy.

The provisions in this regulation respecting the adjustment of the assessment declared applicable to the case of a specific *mohaul* being sold or transferred.

No new allotments to be valid, until confirmed by the Board of Revenue or Board of Commissioners, or in case of a reduction of *jumma*, by the Governor General in Council.

XXXI. After the date of this regulation, a register according to the annexed form shall be kept in the English language of all confirmed partitions. This register shall merely shew the name, the recorded proprietor or proprietors, and the *jumma* of the estate as it stood when the partition was commenced, with the names, the recorded proprietors, and the

A register of all confirmed partitions to be kept.

the *jumma* of the several portions thereof made into distinct estates by the partition when confirmed, together with the date of the confirmation; and whenever any such distinct estate (created by partition) shall fall in balance, so as to require a sale of the land for the discharge of the arrear, at any period within ten years of the date of the confirmation of such partition, it shall be the duty of the collector, by every means in his power, to trace the cause of such balance, towards ascertaining whether it has arisen from any fraudulent or erroneous allotment of the assessment, at the time of the division; and whatever may appear to be the cause, to make a special and full report upon the case to the Board to whose authority he may be subject, and who will determine, upon the receipt of such report, whether the sanction of the Governor General in Council shall be obtained, for directing a new allotment of the *jumma* upon the several portions into which the original estate was divided, or otherwise.

Collector to report in cases requiring a sale of lands for balances arising from an improper allotment of the *jumma* within ten years.

Rules for discouraging all artificial delays, from impediments thrown in the way by parties.

XXXII. With the view of discouraging all artificial delays in giving possession of their proper shares to sharers entitled to separation in joint estates, held in common tenancy, it is hereby enacted, that whenever it shall appear to the Board of Revenue or Board of Commissioners, that a partition duly proceeded upon, is not or cannot be completed within the period originally fixed in the *sunnud* to the *ameen*, by reason of any impediments thrown in the way of its completion by the party or parties holding possession of the estate, it shall be competent for those Boards respectively, upon an application being preferred to them to that effect by the sharer who is out of possession (either through the collector or directly to the Board), to direct immediate possession to be given to such sharer of a certain quantity of the lands of the estate, the assets of which shall be just sufficient (as far as the same can be ascertained) to produce the amount of the *jumma* payable by such sharer when separated, (and which in all cases of fractional shares is of course known,) with an advance of from fifteen to twenty per cent. (viz. ten per cent. for *malikana*, and not less than five, nor more than ten per cent. for charges of collection) and no more. This possession is not however to be considered as a final allotment, but the partition is still to proceed in the regular manner, with the view to the adjustment of any inequalities of proportion which the assets of the land thus delivered to the possession of the sharers may be ultimately found to bear to the assets of the estate at large, as well as the adjustment of all other points affecting the value of the several shares when divided, so that on the completion of the partition the final allotment of land to the several parties separated according to the *jumma* payable by them may in every respect be conformable to the rules prescribed in Sections 7. and 8. of this regulation.

Rules respecting balances accruing during the partition of a joint estate.

XXXIII. Whenever the partition of a joint estate held in common tenancy shall have been commenced, or ordered to be made, whether on the direct application of the parties to the collector, or under a precept from a court of justice, if the estate should fall in balance at any time before the partition be completed and confirmed, it shall be in the option of any one or more of the sharers (whether in actual possession of their shares or otherwise) to tender to the collector his or their proportions of the balance due, which the collector shall receive, and pass to the credit of his or their shares accordingly; and in the event of a sale of any part of the estate (yet undivided) becoming ultimately necessary for the liquidation of any remaining balance, the portion or portions of the defaulting sharer or sharers only shall be sold, and not those of the sharers who shall have paid their proportions of the balances; and in all such cases, the partition shall go on and be completed for the benefit of the purchaser at the public sale; and who, on making the purchase, will be entitled to separate possession of the portion or portions of the estate which would have been allotted under the partition, to the defaulting proprietors, (and which in all such instances are to be sold entire,) and will in every respect succeed to all their rights.

Rules for preventing delays in allotting the *jumma* of specific *mohauls* forming part of an estate.

XXXIV. *First.* To provide also, as far as practicable, against any injurious consequences to individuals from delays and difficulties which are observed to attend the allotment of the public revenue upon specific *mohauls*, forming part of an estate held under a general assessment, when ordered to be separated therefrom, the following rules are to be observed in regard to such *mohauls*.

Rules as to balances accruing before the allotment is completed.

Second. Whenever the proprietor of a specific *mohaul* in a joint estate shall be entitled to separation under the regulations, and the separation and allotment of the public revenue

upon such distinct *mohaul* shall have been commenced upon, or ordered to be commenced upon, if the estate of which it forms a component part should fall in balance at any time previous to the completion and confirmation of such allotment, so as to require a sale of the whole or any portion of the estate, it shall be in the option of the proprietor of the *mohaul* in question (and to whom immediate possession thereof is to be given, if it be not already in his possession) to tender to the collector his share of the balance due, calculated on the proportion which the produce of such specific *mohaul*, with a deduction of from fifteen to twenty per cent. (viz. ten per cent. for *malikana*, and not less than five, or more than ten per cent. for charges of collection) may bear to the *jumma* of the whole estate. Upon such tender being made, and the collector being satisfied, from the inquiries made by him, and the evidence and documents before him, that the produce of the *mohaul* has not been under-rated, he shall receive the amount tendered, and pass it to the credit of the *mohaul* accordingly; and in the event of a sale of any part of the estate becoming ultimately necessary for the liquidation of any remaining balance, such sale shall be made with the expressed exception of the specific *mohaul* in question, and the separation and final allotment of the *jumma* thereupon shall go on and be completed in the prescribed manner, for the benefit of all the parties concerned therein. Provided moreover, that if the payment made by the proprietor of the specific *mohaul* under this clause, shall on a final adjustment of the *jumma* of the parties, be found to exceed the true proportion of the balance demandable from him, such proprietor shall be entitled to repayment of the excess from the collector; who shall at the same time proceed to recover the amount thereof from the defaulting proprietor or proprietors (upon whom a less amount than their just proportions will have been levied) by the same process as he would recover any other arrear of revenue; or if it shall on the contrary appear that the proprietor of the specific *mohaul* has paid less than he ought to have paid, the deficiency shall be recovered from him, and any excess which may have been levied from the defaulting proprietor or proprietors shall be made good to them.

XXXV. In the execution of the duties vested in the Board of Revenue and Board of Commissioners by this regulation, as in all other cases, they shall be guided by whatever special orders or instructions they may at any time receive from the Governor General in Council, to whom they shall apply in all cases, which they may consider unprovided for by the regulations.

Board of Revenue and Board of Commissioners to be guided by any special orders they may receive from the Governor General in Council, to whom they are to apply in all cases unprovided for by the regulations.

FORM.

REGISTER of BUTWARRAS confirmed, to be kept in the English and Native languages in the Collector's Office, and in the Offices of the Board of Revenue and Board of Commissioners, as required by Section 31. of this Regulation.

1. Name of the estate.	2. Proprietor or proprietors.	3. Number of pergunnahs.	4. Number of villages.	5. Quantity of land.	6. Jumma of the entire estate.	7. Fractional portion.	8. Proprietor or proprietors.	9. Number of pergunnahs.	10. Number of villages.	11. Quantity of land.	12. Jumma of such portion.	13. Date of confirmation.

A. D. 1793. REGULATION XXVII.

A REGULATION *for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council, on the 11th June and 28th July 1790, and subsequent Dates, for the Resumption and Abolition of the Sayer, or internal Duties and Taxes, throughout Bengal, Behar, and Orissa; and for adjusting and paying the Deductions and Compensations, directed to be granted to the Proprietors and Farmers of Estates, paying Revenue to Government, and the holders of Property exempt from the Payment of Revenue to Government, on account of the Duties and Taxes abolished.*—PASSED *by the Governor General in Council, on the 1st May 1793; corresponding with the 21st Bysaak 1200 Bengal era; the 6th Bysaak 1200 Fussily; the 21st Bysaak 1200 Willaity; the 6th Bysaak 1850 Sumbut; and the 19th Ramzaan 1207 Higeree.*

Preamble.

THE imposition and collection of internal duties, have from time immemorial been admitted to be the exclusive privilege of Government, not exercisable by any subject without its express sanction; and consequently it has ever been a well known law of the country, that no person can establish a *gunge*, *haut*, or *baxar*, without authority from the governing power. Grants from the sovereign or his representative, delegating this authority, as well as universal tradition, prove that this right was asserted by the Mahomedan government; and the orders of the Honourable Court of Directors, as well as repeated declarations and promulgations by the British administrations, demonstrate that this right was constantly asserted by the Company. It was however judged advisable to leave the exercise of this privilege to the landholders, Government contenting themselves with imposing general regulations for the prevention of undue exactions, and occasionally interfering to modify or abolish particular imposts as they occurred, or were discovered. Experience having at length proved that prohibitory orders for preventing oppression, were not attended with the desired effect, it was determined on the 11th June 1790, to take from the landholders the power of imposing and collecting duties altogether, and to exercise this privilege immediately and exclusively on the part of Government. The consequences of this measure were expected to be, the effectual abolition of many vexatious duties on articles of internal manufacture and consumption, as well as on exports and imports; the suppression of many petty monopolies and exclusive privileges, which had been secretly continued to the great prejudice of the lower orders of people; and, as the natural effects of the reform of these abuses, benefit to trade, and ease to the inhabitants of the country in general. A further consequence expected from the exercise of this privilege, was a future opportunity of augmenting the public revenue, in case the exigencies of Government should render it indispensably necessary, without increasing the assessment on the land. But this was a secondary expectation only; the primary objects intended were those first stated, the promotion of commerce, and the general relief of the inhabitants. In the adoption of the above arrangements, the Governor General in Council had no intention to divest the landholders of any collections they had made, under the denomination of *sayer*, not in reality a duty, but a consideration for the use of ground, shops, or other buildings belonging to them. As however the rent of warehouses

houses *(golahs,)* and shops *(dokans,)* had in general been received by the officers employed to collect the *gunge*, *haut*, and *bazar* duties, and had frequently been let in farm with them; and as the rent paid for orchards, pasture ground, and fisheries, had been sometimes included in the *sayer*, under the denominations of *phulkur*, *bunkur*, and *julkur*, the Governor General in Council thought it necessary to declare expressly, that it was by no means his intention to include in the resumption of the *sayer* then ordered, the monthly or annual rents paid for ground, or buildings erected thereon of whatever description, or the *phulkur*, *bunkur*, and *julkur*, such rents being properly the private right of the proprietors, and in no respect a tax or duty on commodities, the exclusive right of Government. The principles on which it was determined that a compensation should be made to the parties affected by the discontinuance of the privilege of collecting duties, were as follow. Firstly, It having never been lawful to exercise this privilege without the sanction of Government, it followed, of course, that all instances of the exercise of it without such sanction were illegal usurpations, and the usurpers, so far from having any just claim to a compensation, might, without injustice, have been made answerable for the amount unlawfully received by them. As however the Company had limited their retrospection in similar cases to the period of their accession to the *dewanny*, this principle was adopted only with regard to collections commenced since that period. Secondly, Government having also always reserved to itself a power of abolishing all duties deemed oppressive, it followed that all collections, made contrary to any prohibitory orders of Government, were unauthorized exactions, for which no compensation was due to the parties who had benefited by them. Thirdly, The condition of particular persons reduced to distress, by the deprivation of the income they had received from duties, though unauthorized, being a separate consideration, unconnected with the question of right, was reserved for determination as cases might occur. Fourthly, The holders of *lakheraje* land, or land exempted from the payment of the public revenue, who had received the sanction of Government to the establishment of *gunges*, *bazars*, and *hauts*, on their lands, or in other words, who had been authorised to exercise the privilege of collecting duties thereon, were deemed entitled to a full compensation for the resumption of such privilege, adequate to the annual profit they derived from it. Fifthly, The holders of *malguzaree* land, or land assessed for the public revenue, who had been permitted to collect *gunge*, *haut*, *bazar*, or other duties on their lands, were also considered entitled to a full compensation for the profits they were allowed to enjoy from such collections; and these profits having by a general regulation been limited to one tenth of their neat receipts, an equivalent to this proportion was considered the compensation due to them. In pursuance of the principles above stated, the Governor General in Council prescribed such rules, adapted to existing circumstances, as he judged necessary for the immediate guidance of the collectors and the Board of Revenue in carrying his intentions into effect, in such mode as might secure the objects intended with the least possible injury to the individuals affected thereby. But on the collection of the *sayer* being committed to the officers of Government, it was found that the exactions were so numerous, and complicate, and imposed on such impolitic principles, as to preclude the possibility of regulating them in such a manner as to render them productive to the state, and at the same time to prevent their operating as a burden on the internal commerce and industry of the country. It was in consequence determined, on the 28th July 1790, to abolish the *sayer* collections (with certain specified exceptions) throughout the three provinces, leaving it to future consideration what internal duties or taxes should be imposed in lieu of them. The Governor General in Council deeming it of importance that all the rules which have been passed regarding the *sayer* collections since their first resumption on the 11th June 1790, to the present date, should be made as generally known as possible, he has included them in this regulation, and the several rules passed within that period, are to be considered to have operated from the date on which they were respectively passed, and to be still in force, excepting where they shall have been wholly or partially modified, altered, or rescinded by subsequent rules enacted during that period, or by this regulation, or any other regulation passed on this date.

RULES FOR THE RESUMPTION OF THE SAYER, PASSED ON THE 11th JUNE, 1790.

Taxes and duties to be levied by Government only.

II. *First.* ART. *1st.* No landholder, or other person, of whatever description, shall be allowed to collect in future, any tax or duty of any denomination; but all taxes and duties shall

shall be hereafter levied on the part of Government, by officers duly appointed for that purpose, under such regulations as may be passed for their guidance.

Second. 2*d.* No monthly or annual payments now made, or which may be hereafter made, for the use of land, or houses, shops, or other buildings erected thereon, being clearly of the nature of rents, and not duties or taxes, are to be understood to be within this prohibition, but all such rents are to be enjoyed by the proprietors entitled thereto as heretofore.

Rents for the use of land, or for houses erected thereon, not within the above prohibition.

Such rents to be paid to the proprietors as heretofore.

Third. 3*d.* The collectors, in resuming *gunges*, *hauts*, and *bazars*, as already ordered, are to attend carefully to the distinctions contained in the two preceding articles, resuming universally whatever collections come within the first, and avoiding generally any resumption of the rents described in the second.

Collectors to attend carefully to the above distinctions in resuming *gunges*, &c.

Fourth. 4*th.* The collectors are to appoint competent persons to the management of the several *gunges*, *hauts*, and *bazars*, within their respective jurisdictions, with orders to keep the most particular accounts of their receipts during the current year, distinguishing as far as possible, the articles on which the duties may be collected by them, as well as the nature and rate of each, and with the following general instructions, in addition to such as they may, from local circumstances, think necessary. To discontinue all *rahdaree*, *chelunta*, and other collections of every denomination prohibited by the orders of Government. To discontinue all monopolies and exclusive privileges for the manufacture or sale of particular articles, and establish in lieu of them, with the sanction of the collectors, a moderate duty on such articles, to be levied at the time of manufacture or sale. To collect all existing duties, as far as may be compatible with these principles, according to their present rates, to the end of the current year.

Collectors to appoint competent persons to the management of the *gunges*, &c. with instructions to keep the accounts herein specified.

To discontinue all *rahdaree* collections,

monopolies, and exclusive privileges for making or selling articles,

and to establish moderate duty on such articles,

and to collect authorized existing duties until the end of the year.

Fifth. 5*th.* At the end of the current year, the collectors are to transmit abstracts of the accounts delivered by the several agents employed by them in the collection of duties, with such remarks as may be necessary for full information of the nature of the several articles of collection, and specific propositions for the regulation thereof in future.

At the end of the year collectors to transmit abstracts of the collections, with propositions for the regulation of them.

Sixth. 6*th.* The collectors are to propose such establishments as they may think necessary for the collection of the duties within their respective districts for the current year, observing therein the greatest possible attention to economy, and that such establishments are to be decided on by the Board of Revenue.

Collectors to propose establishments for the collection of the duties for the current year.

Seventh. 7*th.* The *gunge*, *haut*, *bazar*, and other duties, (the *abkaree* only excepted,) which may be collected during the current year on *lakheraje* land, and of which no part has hitherto been received by Government, are, after deducting the amount of the establishment approved by the Board of Revenue, to be paid monthly to the persons who would have been entitled to receive the same in case the collection had not been taken into the hands of Government, on receipts for the amount so paid.

Collections on the *lakheraje* lands to be paid to the proprietors.

Eighth. 8*th.* The land revenue is to be adjusted, according to the rules already prescribed for the decennial settlement, on the assets of the *malguzaree* land, exclusive of the duties resumed, and that of the *gunge*, *haut*, *bazar*, and other duties, (the *abkaree* excepted,) which may be collected during the current year on *malguzaree* land, or which have hitherto been a source of revenue to Government, after deducting the amount of the approved establishment, one-tenth is to be paid to the proprietors of the land wherein the duties shall be collected, and the remaining nine-tenths are to be carried to the credit of Government. Disputed claims to this allowance, are to be decided on in the first instance by the collectors, subject to an appeal to the Board of Revenue, within the period prescribed for appeal by the existing regulations.

Land revenue to be adjusted exclusive of the duties resumed. One tenth of the neat amount of the resumed collections to be paid to the proprietors of *malguzaree* land.

Disputed claims on this account to be decided in the courts of *mal adawlut*.

An appeal to be made to the Board of Revenue, and the Governor General in Council.

Ninth. 9*th.* It shall be notified to all persons who have hitherto exercised the privilege of collecting *gunge*, *bazar*, *haut*, and other duties, whether on *lakheraje* or *malguzaree* land, that they are at liberty to appoint agents on their parts to keep counterpart accounts of the collections made by the officers of Government during the current year, and that in the event of their appointing such, the collectors are to require the officers employed by them, to obtain the joint signature of these agents to the several accounts transmitted by them.

Persons heretofore entitled to levy duties, to appoint officers to keep counterpart collections made by the officers of Government.

Compensation to be made to the holders of *gunges*, &c. for the *sayer* resumed.

Period limited for the exhibition of the titles and claims to such compensation.

Tenth. 10th. The holders of all *gunges*, *bazars*, *hauts*, &c. are informed, that it is the intention of Government to make them an equitable compensation hereafter, adequate to the profit they were entitled to from all duties collected by them with due authority, or by usage commencing previous to the Company's acquisition of the *dewanny*; and they are required, in order to enable Government to determine on the compensation to be made to them, to exhibit before the collectors, within three months from the date of a public notice to be issued to that effect, the titles by which they have levied the *gunge*, *bazar*, *haut*, and other duties collected by them respectively, or proof of their having established the same before the Company acquired the *dewanny*.

Collectors to examine the vouchers and proofs of each title, and to transmit their proceeding and the abstracts required in Article 5th, to the Board of Revenue, with their opinion what claims are established or otherwise.

Board of Revenue to forward these reports to the Governor General in Council, who will determine on the compensation, and the mode of making it.

Persons exacting duties contrary to this regulation liable to be sued in the *dewanny adawlut*.

Decree to be passed by the court on proof of the charge.

Eleventh. 11th. The collectors, on exhibition of the vouchers, and proofs offered in pursuance of these regulations, or as soon afterwards as circumstances may admit, are to enter into a full examination of the same, and to transmit their proceedings at large, with a summary, to the Board of Revenue at the close of the current year, together with the abstracts required in the fifth article, adding in every instance their opinion how far the right of collection appears to be established, or otherwise. The Board of Revenue, on receipt of these reports, are to forward the same, with their opinion on each case, after requiring any further information they may think necessary, to the Governor General in Council, who will then determine on the right of the several parties to a compensation, as well as on the mode of making the same.

Twelfth. 12th. All persons exacting duties contrary to these regulations, whether principals or accessaries, are declared liable to prosecution in the courts of *dewanny adawlut*, the judges of which are to hear and determine the cause within ten days after its institution, and on proof of the exaction, are to decree heavy damages, with all costs, to the party injured, according to the circumstances of the offenders, and enforce the payment thereof by the customary process.

Collectors to transmit a list of persons receiving pensions from the *sayer*, with a report on the amount and origin of the claims, and whether the claimants are objects of charity.

Thirteenth. 13th. Where persons may be in receipt of pensions for charitable or religious purposes, from the *gunge*, *haut*, or *bazar* duties resumed, the collectors are to transmit a list thereof, with a report of the origin and amount of such pensions, and state how far the persons receiving the same are objects of charity, who would be distressed by an immediate discontinuation of the allowances to them respectively.

These rules are not to extend to *gunges*, &c. within the town of Calcutta.

Fourteenth. 14th. These rules are not to extend to *gunges*, *bazars*, and *hauts*, within the limits of the town of Calcutta.

Collectors to attend strictly to these orders, which are to be printed and circulated with translates.

Fifteenth. 15th. The collectors are to give the strictest attention to the due enforcements of these orders, which, with Persian and Bengal translations, shall be printed and circulated throughout the several districts for general information.

RULE PASSED ON THE 23D JUNE 1790.

Expences of the collection of the *sayer* directed to be defrayed by Government for the year in which it was resumed.

III. The allowances which may be fixed for the officers appointed on the part of Government to collect the duties in the *gunges*, *hauts*, and *bazars*, in the *malguzaree* and rent free lands, for the current year, are to be paid by Government, and not from the collections of the *gunges*, *hauts*, and *bazars*, as directed by the 7th and 8th articles of the regulations of the 11th June 1790, and the collectors are accordingly directed to pay the amount of the gross, instead of the neat collections, to the holders of such *gunges*, *bazars*, and *hauts*.

RULE FOR THE ABOLITION OF THE SAYER, PASSED ON THE 28TH JULY 1790.

Abolition of the *sayer*.

IV. The privilege of imposing and collecting internal duties, has been resumed from the landholders, and taken exclusively into the hands of Government for the purpose of reforming abuses in these collections, and thereby affording benefit to the commerce of the country, as well as general ease to its inhabitants. For the more effectual attainment of these objects, the Governor General in Council has now resolved, that all duties, taxes, and other collections, coming under the denomination of *sayer*, (with the exception of the Government and Calcutta customs; the duties levied on pilgrims at Gya, and other places of pilgrimage; the *abkaree*, or tax on spirituous liquors, which is to be collected on account of Government agreeably to former orders; the collections made in the *gunges*, *bazars*, and *haute*, situated within the limits of Calcutta; and such collections as are confirmed to the landholders, and the holders of *gunges*, *bazars*, and *hauts*, by the published resolutions of the 11th June

1790, namely, rent paid for the use of land, or for houses, shops, or other buildings erected thereon, or for orchards, pasture ground, or fisheries, sometimes included in the *sayer* under the denomination of *phulkur*, *bunikur*, and *julkur*,) whether made by Europeans or natives, either on their own or the public account, in the *gunges*, *bazars*, *hauts*, or other places within the provinces, be forthwith abolished, and that the compensations to be made in consequence, be regulated by an average of the neat produce stated in the past accounts for as many years as they can be procured, not exceeding ten, (excluding therefrom such collections as have been prohibited by Government,) and be adjusted with regard to the collections in *malguzaree* and *lakheraje* lands respectively, according to the principles already laid down in the resolutions of the 11th June 1790. The collectors have accordingly been required to withdraw their officers from the *gunges*, *bazars*, and *hauts*, and to transmit the accounts necessary for adjusting the compensation without delay, together with the reports before required from them on the titles by which the duties have been hitherto collected by the several persons levying them. At the same time, the Governor General in Council, conceiving there may be proprietors of petty *gunges*, *bazars*, and *hauts* in the *lakheraje* lands, whose subsistence has been chiefly drawn from the collections now abolished, and who may be subjected to distress or inconvenience, unless some provision be made for them during the period which may elapse previous to the adjustment of the compensation to be allowed them, has instructed the collectors, on proof of the situation of persons so circumstanced, to make them such monthly allowance as may appear advisable, to be deducted from the amount of the compensation to which they may finally appear entitled, provided that in no case the monthly allowance so given exceed the estimated monthly neat produce of the duties hitherto received by the parties respectively.

RULE PASSED ON THE 6TH AUGUST 1790.

Ground on which *hauts* and *bazars* have been held to continue appropriated for that purpose for the public, free of all demand from the proprietor.

V. *First*. The proprietary right in the ground on which *hauts* and *bazars* are held, is to continue vested in the landholders; but the public are to have the free use of it. The rules passed on the 23th July 1790, extending to the abolition of all collections heretofore made under the head of *tehbazzaree* or other denominations, from persons exposing their goods for sale in the *gunges*, *bazars*, and *hauts*, under temporary stalls and sheds, or in the open streets, and as the landholders are to receive a compensation for these collections, they can have no right, whilst such compensation is continued to them, either to appropriate the ground for the temporary use of which such collections were made to any other purpose, or to levy any exactions whatever from the persons who may in future expose their goods thereon for sale as heretofore. The ground on which *hauts* and *bazars* are now held, is accordingly to be continued to be appropriated to this purpose free of all charge to the venders.

Rule in preceding clause, not to deprive the landholders of the collections declared to belong to them by the rules of the 11th June 1790.

Second. The above rule is not to preclude the landholders from receiving the monthly or annual rent arising from permanent shops, or other buildings, the collection of which is confirmed to them by the rules of the 11th June 1790.

RULES PASSED ON THE 8TH APRIL 1791.

Compensation to the proprietors of *gunges*, &c. in lands exempted from the payment of revenue, how to be discharged.

VI. *First*. The amount of the compensation to be given to the *lakheraje* holders of the *sayer* abolished, after a determination on their right thereto, in the mode directed by the regulations of the 11th June 1790, shall be paid in money, or in bonds bearing interest at the rate of twelve per cent. per annum, to be paid in quarterly proportions by the collector of the district in which the *gunge*, *haut*, or *bazar* yielding the *sayer* abolished, may be situated, until it shall suit the convenience of Government to pay off the principal, the amount of which is to be regulated upon this principle, that the annual interest be equal to the neat annual profit derived from the *sayer* abolished.

Compensation to the proprietors of *gunges*, &c. in lands paying revenue to Government, how to be discharged.

Second. The amount of the compensation to be given to the *malguzaree* holders of the *sayer* abolished, after the like determination on their right thereto, is to be provided to such of them as may engage for the revenue of their own lands, by granting to them an abatement of *jumma* equal to the full amount of their neat collections on account of the *sayer* abolished, which will include their one-tenth profit for which the compensation is ordered; and to those whose lands may now or hereafter be let in farm, by stipulating with the farmers for the payment of the amount of the compensation in addition to the *jumma* of Government, for securing which payment to the *malguzaree*, a certificate is to be given to each of them under the

seal and signature of the Board of Revenue, declaring the annual neat amount of their *sayer* abolished, and their title to one-tenth thereof as their compensation receivable in the manner herein stated.

RULE PASSED ON THE 15TH APRIL 1791.

Amendment of the rule passed on the 8th April 1791, regarding the payment of the compensations to the proprietors of *malguzaree gunges*, &c.

VII. *First.* Many lands having already been let in farm in Burdwan, and in other parts of Bengal, as well as in Behar, for ten years, and as the farmers of such lands could not now be made answerable for the amount of the *sayer* compensation to the proprietors in addition to the *jumma* of Government, without an equivalent deduction from the latter; and further, as it will be for the benefit of the proprietors without any disadvantage to Government, (since every farmer stipulating for the payment of the compensation would probably reduce his offers for the revenue in an equal proportion,) to declare the compensation of dispossessed landholders in general payable by Government, instead of the farmers, as determined by the rule passed on the 8th April 1791. The regulation of the 8th April 1791, is accordingly modified as follows.

Amended rule.

Second. The amount of the compensation to be given to the holders of the *malguzaree sayer* abolished, after a determination on their right thereto, in the mode directed by the resolutions of the Governor General in Council of the 11th June 1790, is to be provided to such of them as may engage with Government for the revenue of their own lands, by granting to them an abatement of *jumma* equal to the full amount of their former neat collections from the *sayer* abolished, including their one-tenth profit for which the compensation is ordered; and to those whose lands may now or hereafter be let in farm or held *khas*, by the annual payment of the amount of such compensation on the part of Government, to be made in quarterly proportions by the collector of the district in which the *gunge*, *haut*, or *bazar*, yielding the *sayer* abolished, may be situated, for securing which payment to the *malguzaree* holders entitled thereto, a certificate is to be given to each of them under the seal and signature of the Board of Revenue, declaring the neat annual amount of their *sayer* abolished, and their title to one-tenth thereof as their compensation receivable in the manner herein stated, until it can be provided by an abatement of *jumma* on the settlement of their land being made with them, in which case they will be no longer entitled to the payment specified.

RULE PASSED ON THE 24th JUNE 1791.

Further rule regarding the compensation to disqualified landholders.

VIII. Doubts having arisen, whether under the rule passed on the 15th April 1791, the one-tenth compensation is to be made to disqualified landholders by a reduction of *jumma*, or by a money payment from Government, their lands being nominally held *khas*, though really managed for the benefit of the proprietors, (any surplus collection above the fixed revenue being applied to their benefit,) it is declared, that the compensation in these instances is to be made in like manner as if the settlement were made with the proprietors, viz. by an abatement of the revenue assessed upon their lands equal to the full amount of the former neat collections of the *sayer* resumed or abolished, including their one-tenth for which the compensation is ordered; or, in cases where a new assessment of their lands may be made on consideration of the land assets only, by an abatement of such assessment equal to the amount of the one-tenth compensation due to them.

RULE PASSED ON THE 23d DECEMBER 1791.

Board of Revenue to grant certificates to *lakheraje* proprietors for their compensations.

IX. The Board of Revenue are to grant certificates under their seal and signature to the proprietors of *lakheraje gunges*, *bazars*, and *hauts*, for the amount of the compensations to which they may be entitled.

RULE PASSED ON THE 20th APRIL 1792.

Forms of certificates for compensations to be granted to the *lakheraje* and *malguzaree sayer* holders.

To proprietors of *lakheraje gunges*, *hauts*, and *bazars*.

X. *First.* The following are to be the forms of the certificates directed to be granted to the proprietors of *lakheraje* and *malguzaree gunges*, *bazars*, and *hauts*.

Second. "This is to certify, that A. inhabitant of B. in the district of C. having proved his right, as required by the 10th Article of the Regulations passed by the Governor General in Council on the 11th June 1790, to compensation account the *sayer* collections formerly made by him in the rent free *gunge*, *haut*, or *bazar*, denominated ———— in the

district of ——— but since prohibited by Government, he is, agreeably to the orders of the Governor General in Council of the ——— and ——— entitled to receive on this account, in equal quarterly proportions, from the collector of ——— the sum of ——— being the amount of his neat annual collections from the *gunge*, *haut*, or *bazar* aforesaid; this payment to commence from the period of the above *gunge*, *haut*, or *bazar* having been resumed, in conformity to the abovementioned orders of Government of the 11th June 1790, provided no part thereof has yet been received. It is to be understood, that the payment of this compensation by the collector in the manner aforesaid, is to continue no longer than until it shall please the Governor General in Council to determine on any other mode of making the same.

To proprietors of malguzaree gunges, bazars, and hauts.

Third. "This is to certify, that A. *zemindar* or *talookdar* of B. in the district or *soubah* of C, whose estate is now held *khas* or let in farm, having proved his right, as required by the 10th article of the Regulations of the Governor General in Council of the 11th June 1790, to compensation account the *sayer* collections formerly made by him in the *malguzaree gunge*, *haut*, or *bazar*, denominated ——— in the district of ———, but since prohibited by Government, he is, agreeably to the orders of the Governor General in Council of the ——— and ———, entitled to receive on this account, in equal quarterly proportions, from the collector of ——— the annual sum of rupees ——— being the one-tenth proportion of rupees ——— the neat annual amount of his *sayer* collections from the *gunge*, *haut*, or *bazar* aforesaid; this payment to commence from the period of the above *gunge*, *haut*, or *bazar* having been resumed, in conformity to the abovementioned orders of Government of the 11th June 1790, provided no part thereof has yet been received. It is to be understood, that the payment of the abovementioned compensation by the collector, is to continue no longer than until it can be provided for by an adequate abatement of *jumma* on the settlement of the lands of the bearer of this certificate being made with him, or his heirs."

Certificate to be granted to the proprietor of Govind Gunge.

Fourth. The case of the proprietor of Govind Gunge being of a special nature, the following certificate is to be granted to him.

"This is to certify, that Rada Govind Sing, having proved his right, as required by the 10th article of the Regulations of the Governor General in Council of the 11th June 1790, to compensation account, the *sayer* collections formerly made by him in the *gunge* denominated Govind Gunge, in the district of Nuddea, but since prohibited by Government, he is, agreeably to the orders of the Governor General in Council, of the 3d February 1792, entitled to receive on this account, in equal quarterly proportions, from the collector of the district above mentioned, the sum of Rupees 3,467. 1. 17. 3, being the amount of his remaining neat annual collections from the *haut* or *gunge* aforesaid, after deducting the sum of Rupees 100, the revenue of Government; this payment to commence from the period of the above *gunge* having been resumed, in conformity to the orders of Government of the 11th June above mentioned, provided no part thereof has yet been received. It is to be understood, that the payment of this compensation by the collector in the manner aforesaid, is to continue no longer than until it shall please the Governor General in Council to determine on any other mode of making the same."

Rule passed on the 27th April 1792.

Penalty for persons convicted of exacting unauthorized duties.

XI. Persons exacting taxes or duties of any denomination, contrary to the *sayer* regulations of the 11th June 1790, whether as principals or accessaries, having by the 12th article of the regulations of that date been declared liable to prosecution in the courts of *dewanny adawlut*, the judges of the said courts are required to receive all plaints preferred on account of such exactions, to hear and determine the same within ten days from the date of filing the plaint, or as soon afterwards as the attendance of the necessary evidence may admit, and on proof, to decree a refund of the amount exacted, with damages equal to double the amount, besides all necessary costs incurred by the plaintiff in the prosecution, as well as a heavy fine to Government proportionate to the circumstances of the offender, which decree shall be enforced by them by the process prescribed in other cases, and if the property of the offender, which shall be applied in the first instance to make good the damages and costs adjudged to the party injured, shall be in any instance insufficient to make good the fine to Government, the courts may order the fine

to be commuted to imprisonment for such period as on consideration of the case may appear to them adequate to the offence.

RULE PASSED ON THE 1ST MAY 1793.

Adjustment of *sayer* deductions and compensations to be left to the revenue officers, subject to the confirmation of the Governor General in Council.

Courts not to take cognizance of any claims respecting deductions or compensations made or to be made.

If the payment of compensations which may have been adjusted are withheld, courts may take cognizance of suits for the recovery of the amount.

Rules regarding such suits.

XII. In the event of any deductions or compensations on account of the abolition of the *sayer* remaining to be adjusted, the adjustment of them is to be left to the collectors under the superintendence of the Board of Revenue, and subject to the final confirmation of the Governor General in Council, under this regulation, and the courts of judicature are not to take cognisance of any claims regarding such deductions or compensations that have been or may remain to be adjusted. But in cases in which the compensation on account of the abolition of the *sayer*, either in lands paying revenue to Government, or exempted from the payment of such revenue, shall have been finally adjusted with the sanction of the Governor General in Council, and payment of the amount which may be due under such adjustment, shall be withheld from the person entitled thereto, the courts of *dewanny adawlut* may take cognisance of any suit that may be preferred to them against the officer withholding the same, for obtaining payment of the amount. If the payment shall have been withheld pursuant to orders from the Governor General in Council, or the Board of Revenue, the judge, previous to proceeding to the trial of the suit, is to forward the petition of the complainant to the Governor General in Council, in the same manner as is directed with regard to the cases specified in Section 11, Regulation III. 1793, that, if it shall appear to him proper so to do, he may afford redress to the party without bringing the suit to a trial. Suits instituted against Government under this section, and which may be brought to a trial, are to be defended by the collector, who is to commit the pleading of the cause to the *vakeel* of Government, and in the event of Government being cast, or of the collector being dissatisfied with the decision, he is to report the circumstances to the Board of Revenue, that an appeal may be preferred against the decision, if deemed advisable.

A. D. 1795. REGULATION IV.

A REGULATION *for prohibiting the Collection of internal Duties, in the Province of Benares.*—PASSED *by the Governor General in Council, on the 27th March* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaun* 1209 *Higeree.*

Preamble.

PREVIOUS to the cession of Benares to the Company, and until the year 1781, internal duties and tolls, in addition to the duties collected on the import and export trade, were exacted throughout the province; and notwithstanding the orders passed in that year, that no duties should be collected but at the stations of Ghazeepore, Benares, and Mirzapore, and the repetition of those orders in 1784, the trade of the province continued to be burdened by a variety of interior tolls and exactions, levied partly at the custom-houses, and partly by the *aumils*, and the *zemindars* and farmers under their authority, until the end of the Fussily year 1194, or September 1787, subsequent to which period, in order to remove these obstructions to the trade of the province, the following rules and measures were adopted and established, which are hereby enacted into a regulation.

Abolition of the *rahdaree*, and other interior duties, collected by the *zemindars* and *aumils*.

II. In the settlement for the Fussily year 1195, it was stipulated with the *aumils* by a clause in their *cobooleats*, that they should relinquish the collection of all tolls and duties on the transportation of grain, and other articles of the interior trade of the province, which they before collected with the land revenue, under the penalty of being subject to a fine equal to treble the amount of every sum so levied.

Order of Government for the general abolition of all *zemindaree* duties.

III. On the 26th December 1787, the Governor General in Council ordered that the *zemindaree* duties, and all other collections on merchandise, excepting those authorized by Government, should be formally abolished, and penalties were prescribed for such persons as might be convicted of levying any exaction whatever on the property of the merchants, contrary to the spirit of this order.

Prohibition of all interior *zemindaree*, *rahdaree*, and *gunje* duties, and penalty for the exaction of them.

IV. It was in consequence ordered by the 13th article of the custom-house regulations of the 29th March 1788, and which were in force from the 1st April following, that no duties of any kind or denomination, should be collected in any part of the country, excepting at the four principal custom-houses of Benares, Ghazeepore, Jaunpore, and Mirzapore, nor upon the transportation of any goods produced or manufactured in one part of the country, and sold or consumed in another, (with the exception of the goods sold which might be afterwards exported,) and that any person levying duties, or exactions, under whatever denomination, on such goods in opposition to this prohibition, should be liable to a fine equal to three times the amount received; and as an encouragement to persons so aggrieved to prefer their complaints to the judge of the nearest court of *adawlut*, who was bound to render them speedy and effectual justice, the whole of the fine was directed to be paid to the party from whom the exactions might be made.

Stipulation with the *aumils* for the relinquishment of the *sayer* collections.

V. The settlement for 1196 (commencing with September 1788) having been formed on the *canoongoes'* estimates of the *maal* and *abwab*, or land revenue only, without including the *sayer* collections before levied by the *aumils* and landholders, which had been prohibited

hibited in the preceding year, a clause was inserted in the engagements of the *aumils*, reciting that all the *sayerjehaut*, or *sayer* collections, and the duties on the transportation of merchandise, having from the preceding year 1195 Fussily, been prohibited by Government, they were neither themselves to levy, nor to allow any other person to levy, any of those articles of collection, under the penalty of paying a fine equal to treble the amount received; and they were furnished with forms of *cobooleats*, containing clauses to a similar effect, to be taken by them from their under-renters, the village *zemindars*, and farmers.

Engagements of the *zemindars* and farmers to the same effect in 1197,

VI. On the conclusion of the permanent settlement with the *zemindars* and farmers of the *talooks* and villages in 1197, they entered into *cobooleats* or engagements, in which it was stipulated, that as all the *sayerjehaut* and *rahdary* duties and exactions had been abolished from the Fussily year 1195, they were not to make any collections on these accounts, under the penalty of paying treble the amount exacted, in the same manner as had been stipulated with the *aumils* in the preceding years.

and of the *aumils* for the same year.

VII. At the conclusion of this permanent settlement, the *aumils* also (who were appointed to collect the land revenue payable according to the settlement) entered into a new engagement with Government, by which it was stipulated, that as all *gunje*, *rahdaree*, and *sayer* collections, had been abolished from 1195 Fussily, they were not to collect, receive, or suffer to be collected or received, any thing on these accounts, under the prescribed penalty of paying treble the amount so exacted.

Cases of undue exactions under the above heads cognizable in the *adawlets*.

VIII. The prohibitions contained in the preceding sections are to be strictly attended to, and the whole of the penalty recoverable on every breach of them, is to be paid to the party from whom the illegal exactions may be made, on his proving them in a court of judicature.

Suits founded on these regulations to be tried in preference to others.

IX. It being of importance that merchants, and others, from whom any such illegal exactions may be made, should obtain the most speedy redress, the judges of the several courts are required to be at all times ready to receive and hear complaints of such exactions, in preference to all other suits, so that the party injured may experience the least possible delay in obtaining a decision.

Authority vested in the collector and *darogahs* of the custom-houses for repressing undue exactions.

X. As it may happen, that persons from whom such illegal exactions may occasionally be made, by *zemindars* or others, may omit to prosecute the offender in a court of justice, and it being essential to the protection of the trade of the country, that every means should be adopted for preventing such undue collections, the *darogahs* of each station are to be careful to transmit to the collector, information of all unauthorized *chokees* stationed for the collection of duties, that may at any time be attempted to be established by any *zemindar*, farmer, or other person or persons, for the collection of *rahdaree*, or *gunje*, or other duties or exactions; and, if the party thus offending shall not immediately withdraw and abolish the *chokee* so established, as well as pay to the collector the amount that he or his people may have levied, (which is to be restored to the party or parties from whom it may have been exacted,) the collector is to cause a prosecution to be instituted against such *zemindar*, farmer, or other person so offending, both for the removal of the *chowkee*, and for the recovery of the prescribed penalties.

A. D. 1811. REGULATION VI.

A REGULATION *for rescinding such Parts of Regulation XXVII.* 1793, *as declare the Holders of lakheraj and malguzaree Lands, entitled to a Compensation on Account of the Abolition of the Sayer.*—PASSED *by the Vice-President in Council, on the* 14*th June* 1811; *corresponding with the* 1*st Assaar* 1218 *Bengal era; the* 8*th Assaar* 1218 *Fuszly; the* 2*d Assaar* 1218 *Willaity; the* 8*th Assaar* 1868 *Sumbut; and the* 22*d Jumudi-ul-Awul* 1226 *Higeree.*

Preamble.

WHEREAS by the rules established on the 11th of June 1790, (framed into a regulation, bearing date the 1st of May 1793,) the holders of *lakheraj* lands, or of lands exempted from the payment of public revenue, who had received the sanction of Government for the establishment of *hauts, bazars*, and *gunjes*, were declared entitled to a compensation for the deprivation of the privilege of collecting duties in such places: and the holders of *malguzaree* lands, or lands assessed with the public revenue, who had been permitted to collect *gunje, haut, bazar*, or other duties on their lands, were also considered entitled to a compensation for the profits which they had derived from such collections; and whereas ample time has been allowed for the institution and establishment of such claims; the following rule has been enacted, to be in force from the period of its promulgation in the provinces of Bengal, Behar, and Orissa, excepting Cuttack.

Further claims to compensation on account of the abolition of the *sayer*, inadmissible.

II. No claims to compensation on account of the abolition of the *sayer*, which shall not have been preferred to the proper authority previously to the promulgation of this regulation, shall be received or admitted.

A. D. 1793. REGULATION XLVIII.

A REGULATION *for forming a Quinquennial Register of the landed Estates in Bengal, Behar, and Orissa, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate.* — PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fusily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE public revenue assessed upon each estate under the rules for the decennial settlement, being fixed in perpetuity; and each estate being liable in progress of time to be divided, and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale; and the security of the public revenue, depending upon the allotment of it on each portion of every estate so divided being made agreeably to the rules prescribed in Regulation I. 1793; and it being necessary for enabling the officers of Government to apportion the public revenue in conformity to the rules contained in that regulation, and for affording Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same *zemindaree*, *talook*, or *chowdrai*; and that every such union, and all such transfers, divisions, and allotments of the public revenue that have taken place since the commencement of the decennial settlement, or which may hereafter occur, should be traceable with facility, and certainty, at any future period; and it being also requisite for financial purposes, and for the information of the courts of judicature from or to whose jurisdiction any districts or lands may be transferred or annexed, that there should be a record of the transfer of all districts or lands from the jurisdiction of one *zillah* to that of another; the following rules have been enacted.

Quinquennial register to be prepared of the estates paying revenue to Government, and of the *jumma* assessed upon each estate.

II. *First.* Every five years, the collectors of the land revenue in the several *zillahs*, are to prepare a register of all the estates in their respective *zillahs* of whatever denomination or description, the proprietors of which pay the public *jumma*, or revenue, assessed upon their estates immediately to Government.

Explanation of the term estate.

Second. By the term estate, is to be understood any land, being *malguzaree*, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government.

Names of estates to be arranged in alphabetical order.

III. The names of the estates in each *zillah*, are to be arranged in alphabetical order according to the English alphabet.

IV.

Estates to retain their present names.

IV. Estates having names, are to retain the names by which they are at present distinguished.

Estates the names of which are varied upon a change of the proprietor, to retain their present names.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estates are henceforth to bear the names by which they are at present distinguished.

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation, are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate regarding the name to be given to the estate, it shall be determined agreeably to the rules prescribed for electing a manager of a joint undivided estate in Regulation VIII. 1793, with this qualification, that where the votes and interest in the estate may be equal, or the proprietors shall neglect to give a name to the estate upon the requisition of the collector, he shall name the estate without reference to the Board of Revenue.

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguishing appellation of *talook*, *tuppa*, &c. they are to be placed on the register according to the initial letters of their names, and any such distinguishing appellations are to be inserted immediately after the names as follows:

AKBERPORE *(tuppa* or *talook,)* &c.

Estates which form specific portions of *zemindaree*, &c. to be stated under the general head of the original estate.

Second. Where a *zemindaree*, *talook*, or *chowdrai*, from whatever cause, shall have been or may be divided into a number of shares, each consisting of a specific and ascertained proportion of the original estate, and the sharers shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the *zemindaree*, *talook*, or *chowdrai*, of which they originally constituted a part, as follows:

AKBERPORE.

Six annas.
Three annas.
Seven annas.

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or *mohauls* in an estate, not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale, or by any private act of the proprietor, and the new proprietor shall have entered into, or may execute separate engagements to Government for the public revenue, the lands so transferred (which agreeably to clause second, Section 2, will form a separate estate) are not to be inserted under the head of the *zemindaree*, *talook*, or *chowdrai*, of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and distinct estates, and to be named under the rules above prescribed for the naming of estates.

Parts of the same estate in different *zillahs* for which one engagement only has been given, to be registered as *kismuts*.

Fourth. If parts of the same estate shall be situated in different *zillahs*, and one engagement only shall have been executed by the proprietor to Government for the whole estate, in such case, the portions in each *zillah* are to be registered as *kismuts* or parts of the estate, without any specification of the proportion that they may bear to the whole estate, which under such circumstances may not be ascertainable.

Names of the *pergunnahs*, villages, &c. in each estate to be specified.

Fifth. Under the head of each estate is to be specified, the names of all the *pergunnahs* or other local divisions, and the villages contained therein, alphabetically arranged, and, where procurable from the accounts or records that may be obtainable, the *rukbah* or measurement of each village. A separate column is to be allotted for the measurement of the villages, and where it shall not be immediately procurable, the column shall be left blank for the present, and be filled up at a future period, whenever the villages may be measured by public authority to settle any dispute, or for other purposes.

Sixth. Where estates consist of one, two, or more villages, not comprising a whole *pergunnah*, the name of the *pergunnah* in which the estate may be situated shall be specified.

VIII. The annual revenue assessed upon each estate, or (where parts of an entire estate may be situated in different *zillahs*) portion of an estate, is to be inserted opposite to it in a separate column.

Jumma to be inserted opposite to each estate.

IX. The name or names of the proprietor or proprietors of every estate shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer is to be specified.

Names of the proprietors of every estate to be inserted opposite to it.

X. The quinquennial register to be first formed for the *zillahs* in Bengal, Behar, and Orissa, shall commence with the Bengal, Fussily, and Willaity year 1202, and shall exhibit the estates in the several *zillahs*, and the required particulars respecting them, as they may stand at the commencement of that year of the era current in each province. Upon this register being completed, a similar register shall be forthwith formed to commence with the year 1197, and show the estates in the several *zillahs* as they stood at the commencement of that year of each era, being the first of the decennial settlement. The quinquennial register to be formed at the commencement of the year 1207 of the era current in each province, and every succeeding five years, is to exhibit the estates in each *zillah*, as they may stand at that, and each subsequent period.

Quinquennial registers in the several *zillahs* when to commence.

XI. The register to be first formed, and to commence with the Bengal, Fussily, and Willaity year 1202, is to be numbered two. The register to be next formed, commencing with the year 1197 of each era, is to be numbered one. The register to be formed at the commencement of the year 1207 of the respective eras, is to be numbered three, and every subsequent quinquennial register in the order in which it may be formed.

Registers to be numbered.

XII. The register for each *zillah* is to be written on English paper, of the exact size of that on which the form hereafter directed to be prepared by the Board of Revenue may be written, and is to be bound up in one volume, on the back of which there shall be the following inscription:—"Register of estates paying revenue to Government in the *zillah* of ———, at the commencement of the year ——— Bengal (Fussily or Willaity) era ——— corresponding with the year of our Lord———. Number —."

Size of the paper for the register.

XIII. When the draft of the quinquennial register is completed, it is to be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the judge of the *dewanny adawlut* of the *zillah*, and on the last leaf of the book, the judge is to specify in his own handwriting the number of pages contained in it; and no register shall be considered as authentic, but such as may be entered in a book so paged and attested.

No register to be considered as authentic, excepting such as may be paged and signed.

Leaves of the register to be paged, and to be signed by the judge of the *zillah*.

XIV. It shall be the duty of the keepers of the native records appointed under Regulation XXI. 1793, to keep an exact counterpart of the English register in each *zillah*, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the *zillah*, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

Counterpart register in the native languages to be kept by the keepers of the native records.

XV. The counterpart registers in Bengal and Orissa are to be kept in the Bengal and Persian languages; and in Behar, in the Persian language, and the Hindoostanee language and Nagree character.

In what language the counterpart registers are to be kept.

XVI. For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates, that originally formed a part of the same *zemindaree*, *talook*, or *chowdrai*, which may take place during the five years, subsequent to the forming of each quinquennial register, the collectors are to prepare a book, of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "register of intermediate mutations in landed property," and have the following inscription on the back:—"Register of intermediate mutations in landed property, between the commencement of the year———, and the expiration of the year ——— Bengal (Fussily or Willaity) era. Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the *zillah* is to sign each leaf of it, and on the last leaf, specify in his own handwriting the number of pages contained in the book. The collector

Manner in which the mutations in property in the intervals between the forming of each quinquennial register are to be recorded.

lector shall cause to be entered in this register all divisions of estates, or transfers of estates, or portions of estates, and every union of estates which originally constituted a part of the same *zemindaree*, *talook*, or *chowdrai*, that may take place during the five years subsequent to the formation of each quinquennial register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next quinquennial register, and shall attest the entry with his signature.

Documents to be furnished by collectors of *villahs* from which separations may be made.

XVII. Whenever any estates, or portion of estates, shall be directed to be separated from one *villah*, and annexed to another, the collector of the *villah* from which the separation may be ordered to take place, is to transmit to the collector of the *villah* to which the annexation is to be made, a copy of the entries in the last quinquennial register formed prior to the separation, which may relate to the several estates, or portions of estates to be separated, and of any entries respecting them in the register of intermediate mutations which may have taken place subsequent to the forming of the last quinquennial register. These documents are to be entered by the collector of the *villah* to which the annexations may be directed to be made, in the register of intermediate mutations in his *villah*, as materials for forming the next quinquennial register.

How separations and annexations altering the jurisdictions of the courts, are to be made known to them.

XVIII. The Governor General in Council will direct the order for the separations and annexations specified in the preceding article, to be notified to the courts of judicature from the jurisdiction of which the separation is to take place, and also to the courts to the jurisdiction of which the annexation is to be made. Upon the arrival of the period when the separation and annexation is to be carried into effect, the collector of the *villah* from which the separation may be made, is to transmit to the judge of the *dewanny adawlut* of his *villah*, and also to the provincial court of appeal of the division, copies of the entries in the last quinquennial register and register of intermediate mutations, which may relate to the estates or portions of estates to be separated from his *villah*; and the collector to whose *villah* the annexation may be made, is to transmit copies of the abovementioned entries (with which he is directed to be furnished by Section 17,) to the judge of his *villah*, and to the provincial court of appeal of the division in which it may be included. Immediately upon the receipt of these papers, the courts, from the jurisdiction of which the separations may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation, may become cognizable in any other provincial court of appeal, or *zillah* court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Further rules to be observed in keeping the register of intermediate mutations in property.

XIX. To facilitate reference, as well as the preparing of the new quinquennial register at the end of every five years, the collector is to insert in the preceding quinquennial register in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and, at the end of the note of the alteration in the last mentioned register, he is to insert in red ink the number of the page in which the estate may be registered in the quinquennial register; and every such entry shall be signed by the collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations, is to specify the requisite particulars for completing the entries in the next quinquennial register, or refer to them, if they be contained in the preceding quinquennial register. The collectors are strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property, or any separation or annexation of lands from or to their respective *villahs*, being notified to them through any of the channels specified in Section 24.

Counterpart of the English register of intermediate mutations in property to be kept by the keepers of native records.

XX. A counterpart of the register of intermediate mutations in landed property, is to be kept by the keepers of the native records in the same form as the English register, and in a book the leaves of which are in like manner to be paged and attested by the judge of the *dewanny adawlut* of the *villah*.

How errors in the fair copy of the quinquennial register, and in the register of intermediate mutations, are to be noted.

XXI. When a quinquennial register shall have been transcribed fair into the book attested by the judge of the *villah*, as directed in Section 13, if it shall be discovered that the entries respecting any estate are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermedi-

ate mutations, and attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations in which the errors or omissions are noted, and at the end of the note, specify the number of the page of the quinquennial register in which the property may be registered. Errors or omissions in the register of intermediate mutations are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart, of the quinquennial register and register of intermediate mutations in the native languages.

XXII. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate mutations in the native languages shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Where the titles to estates are disputed, the party in possession to be registered as the proprietor.

XXIII. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a court of justice, at the time of forming the first, or any subsequent quinquennial register, the party in possession is to be registered as the proprietor.

Collector from whence to be furnished with the necessary information for making the entries in the register of mutations in property.

XXIV. *First.* The collectors will be furnished through the following channels with the necessary information regarding the mutations in landed property, and the annexations to, or separations from, their respective *zillahs*, for making the requisite entries in the register of intermediate mutations.

Second. The *zillah* and city courts are required by Section 9, Regulation IV. 1793, to transmit to them copies of all decrees that they may pass, or which may be sent to them to be enforced, by the provincial courts of appeal, or the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to Government.

Third. The Board of Revenue are to furnish them with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Fourth. In cases in which lands may be ordered to be sold at their *cutcherries*, they will have in their own possession the authority for the sale, and all the necessary information regarding the property transferred.

Fifth. They will likewise have in their possession the requisite information respecting the division or the union of estates which may take place under Regulation XXV. 1793, that regulation directing that the division and union of all estates are to be made under their superintendence.

Sixth. By Section 10, Regulation I. 1793, transfers of estates or portions of estates must be notified to them before the name of the new proprietor can be inserted in the register directed to be kept by Regulation XLVIII. 1793.

Seventh. The keepers of the registers established by Regulation XXXVI. 1793, are required by that regulation to furnish them with the particulars of all transfers of landed property that may be entered in their registers.

Proprietors, &c. liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

XXV. If a collector shall have occasion to require from the proprietor or the farmer of an estate, or from a dependant *talookdar*, or under-farmer, any information that may be necessary to enable him to form a quinquennial register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue for the information of the Governor General in Council, who reserves to himself the power of imposing on such person whatever fine may appear proper, upon a consideration of the case, and his situation and circumstances in life. Upon receiving notice through the Board of Revenue of any such fines that may be imposed by the Governor General in Council, the collector is to levy the amount by the same process, as he is authorized to have recourse to for the recovery of arrears of revenue.

Collector to send duplicates of each quinquennial register to the Board of Revenue.

XXVI. The collectors of the several *zillahs* are to transmit as early as may be practicable to the Board of Revenue, an attested copy of the quinquennial registers both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the *zillah*, in the same manner as the original re-

gister, as directed in Section 13.; and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, or Willaity year, (according to the era current in their respective districts,) an attested copy of the entries in the register of intermediate mutations that may have taken place during the three preceding months. * *The collector of each zillah is to transmit a similar copy of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the judge of the* dewanny adawlut *of the* zillah, *and to the provincial court of appeal in the jurisdiction of which the* zillah *may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the quinquennial registers of each* zillah, *and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the collectors.*

Courts, the Board of Revenue, and the collectors, to be careful to preserve the old quinquennial registers and registers of mutations.

XXVII. The courts of judicature, the Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the quinquennial register, and registers of intermediate mutations, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by use etc.

Board of Revenue to prepare a form for the quinquennial register, and for the register of intermediate mutations in property.

XXVIII. Upon the receipt of this regulation, the Board of Revenue are to prepare forms for the quinquennial register, and the register of intermediate mutations, so that the first mentioned register may exhibit the required particulars respecting each estate, and, as far as may be practicable, the sircars, *pergunnahs*, or other established divisions of the country, in which the estates in the several *zillahs* may be situated, and after submitting the forms for the approbation of the Governor General in Council, they are to circulate copies to the collectors. The approved forms are not to be altered without the sanction of the Governor General in Council; but the Board of Revenue are to suggest any improvements in the forms that may occasionally occur to them, and in the event of their being adopted, they shall take place from the period fixed for forming the next quinquennial register, or at such other period as may be deemed advisable. Upon the receipt of this regulation, the collectors are to proceed to collect the necessary papers and information for forming the quinquennial register which is to commence with the year 1202 of the era current in each province, and to register all mutations in property in their respective *zillahs* that may take place subsequent to the receipt of the regulation. When the quinquennial register for the abovementioned year is completed, or earlier if practicable, the collectors are to proceed to prepare the quinquennial register which is to commence with the year 1197, the first of the decennial settlement, and to complete the register of intermediate mutations to the expiration of the year 1201.

From what materials the register to commence with the year 1207, and every subsequent quinquennial register are to be formed.

XXIX. The quinquennial register to be formed in each of the *zillahs* in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding quinquennial register, and the entries of subsequent mutations in property in the register of intermediate mutations, with the omission or addition of any estates or portions of estates, that may have been separated from the *zillah*, or annexed to it, subsequent to the forming of the last quinquennial register. The materials for each quinquennial register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

All persons at liberty to sue for any landed property registered in the name of another.

XXX. No part of this regulation is to be considered to preclude any person who may deem himself entitled to any estate, or portion of an estate, paying revenue to Government, which may be entered in the quinquennial register, or the register of intermediate mutations, as the property of any other person or persons, from suing for the same in the court of *dewanny adawlut* in which the claim may be cognisable.

* Rescinded by Section 15, Regulation VIII. 1800.

A. D. 1795. REGULATION XIX.

A REGULATION *for forming a Quinquennial Register of the landed Estates in Benares, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate.*—PASSED *by the Governor General in Council, on the 27th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

Preamble.

THE public revenue assessed upon each estate under the rules for the permanent settlement, being fixed in perpetuity; and each estate being liable in progress of time to be divided, and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale; and the security of the public revenue depending upon the allotment of it on each portion of every estate so divided, being made agreeably to the rules prescribed in Regulations V. and XVII. 1795; and it being necessary for enabling the officers of Government to apportion the public revenue in conformity to the rules contained in those regulations, and for affording Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates, or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same *zemindaree* or *talook*; and that every such union, and all such transfers, divisions, and allotments of the public revenue, that have taken place since the commencement of the quartennial or decennial settlement, or which may hereafter occur, should be traceable with facility and certainty at any future period; the following rules have been enacted:

Quinquennial register to be prepared of the estates paying revenue to Government, and of the *jumma* assessed upon each estate.

II. *First.* Every five years, the collector of the land revenue in Benares, is to prepare a register of all the estates in the province, of whatever denomination or description, the proprietors of which pay the public *jumma*, or revenue, assessed upon their estates, immediately to Government.

Explanation of the term estate.

Second. By the term estate, is to be understood, any land being *malguzaree*, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government.

Names of estates to be arranged in alphabetical order.

III. The names of the estates in each *sircar*, are to be arranged in alphabetical order, according to the English alphabet.

Estates to retain their present names.

IV. Estates having names, are to retain the names by which they are at present distinguished.

Estates, the names of which are varied upon a change of the proprietor, to retain their present names.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estates are henceforth to bear the names by which they are at present distinguished.

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation, are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate, regarding the name to be given to the estate, the collector shall name the estate, without reference to the Board of Revenue.

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguishing appellation of *talook*, *tuppa*, &c. they are to be placed on the register according to the initial letters of their names, and any such distinguishing appellations are to be inserted immediately after the names, as follows:

Pessara, or
Singramow, *(tuppa* or *talook,)* &c.

Estates which form specific portions of *zemindarees*, &c. to be stated under the general head of the original estate.

Second. Where a *zemindaree* or *talook*, from whatever cause, shall have been or may be divided into a number of *puttees* or shares, each consisting of a specific and ascertained proportion of the original estate, and the *putteedars* or sharers shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the *zemindaree* or *talook* of which they originally constituted a part, as follows:

BUDLAPOOR.
Six Annas,
Three Annas,
Seven Annas.

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or *mohauls*, in an estate not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale, or by any private act of the proprietor, and the new proprietor shall have entered into or may execute separate engagements to Government for the public revenue, the lands so transferred, (which agreeably to clause second, Section 2, will form a separate estate,) are not to be inserted under the head of the *zemindaree* or *talook* of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and distinct estates, and to be named under the rules above prescribed for the naming of estates.

Names of the *pergunnahs*, villages, &c. in each estate, to be specified.

Fourth. Under the head of each estate are to be specified, the names of all the local divisions, **and the villages contained therein*, alphabetically arranged, *and, where procurable from the accounts or records that may be obtainable, the* rukbah *or measurement of each village, and the gross produce of it. Separate columns are to be allotted for the measurement of the villages, and for their gross produce; and where the measurement or the produce shall not be immediately procurable, the column for the measurement, or the produce, shall be left blank for the present, and be filled up at a future period whenever the villages may be measured by public authority to settle any dispute, or for other purposes, or the measurement or the produce may be otherwise obtained.*

Names of *pergunnahs* of which estates may form a part only, to be specified.

Fifth. Where an estate consists of one, two, or more villages, not comprising a whole *pergunnah*, the name of the *pergunnah* in which the estate may be situated, is to be specified.

Jumma to be inserted opposite to each estate.

VIII. The annual revenue assessed upon each estate, is to be inserted opposite to it in a separate column.

Names of the proprietors of every estate to be inserted opposite to it.

IX. The names of the proprietor or proprietors of every estate, shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer is to be specified.

Quinquennial register when to commence.

X. The quinquennial register to be first formed for the province of Benares, shall commence with the *Fusvily* year 1202, and shall exhibit the estates, and the required particulars respecting them, as they may stand at the end of that year. Upon this register being completed, a similar register shall be forthwith formed to commence with the year 1197, and show the estates in the several *sircars*, as they stood at the end of that year, being the first of the

* The rules in the Italic type are rescinded by Section 11 and 12, of Regulation VIII. 1800.

quartennial and decennial settlements. The quinquennial register to be formed at the commencement of the year 1207 of the *Fussily* era, and every succeeding five years, is to exhibit the estates in the province as they may stand at that, and each subsequent period.

Registers to be numbered.

XI. The register to be first formed, and to commence with the *Fussily* year 1202, is to be numbered two. The register to be next formed, commencing with the year 1197, is to be numbered one. The register to be formed at the commencement of 1207, is to be numbered three; and every subsequent quinquennial register, in the order in which it may be formed.

Size of the paper for the register.

XII. The register is to be written on English paper, of the exact size of that on which the form hereafter directed to be prepared by the Board of Revenue may be written, and is to be bound up in one volume, on the back of which, there shall be the following inscription, "Register of estates paying revenue to Government in the province of Benares at the commencement of the year ——— *Fussily* era, corresponding with the year of our Lord ——— number ———."

Leaves of the register to be paged, and to be signed by the judge of the city of Benares.

No register to be considered as authentic, excepting such as may be paged, and be signed by the judge of the city of Benares.

XIII. When the draft of the quinquennial register is completed, it is to be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the judge of the *dewanny adawlut* of the city of Benares; and on the last leaf of the book, the judge is to specify in his own handwriting, the number of pages contained in it: and no register shall be considered as authentic, but such as may be entered in a book so paged and attested.

Counterpart register in the native languages, to be kept by the keepers of the native records.

XIV. It shall be the duty of the keepers of the native records, appointed under Regulation XXI. 1793, (extended to the province of Benares, by Regulation XXX. 1795,) to keep an exact counterpart of the English register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the city of Benares, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XV. The counterpart registers are to be kept in the Persian language, **and the Hindoostanee language and Nagree character.*

Manner in which the mutations in property in the intervals between the forming of each quinquennial register are to be recorded.

XVI. For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates, that originally formed a part of the same *zemindaree*, or *talook*, which may take place during the five years subsequent to the forming of each quinquennial register; the collector is to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "Register of intermediate mutations in landed property," and have the following inscription on the back, "Register of intermediate mutations in landed property, between the commencement of the year ——— and the expiration of the year ——— Fussily era." Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the city of Benares is to sign each leaf of it, and on the last leaf, specify in his own handwriting, the number of pages contained in the book. The collector shall cause to be entered in this register, all divisions of estates, or transfers of estates, or portions of estates, and every union of estates which originally constituted a part of the same *zemindaree*, or *talook*, that may take place during the five years subsequent to the formation of each quinquennial register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next quinquennial register, and shall attest the entry with his signature.

Further rules to be observed in keeping the register of intermediate mutations in property.

XVII. To facilitate reference, as well as the preparing of the new quinquennial register at the end of every five years, the collector is to insert in the quinquennial register, in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and at the end of the note of the alteration in the lastmentioned register, he is to insert in red ink, the number of the page in which the estate may be registered in the quinquennial register; and every such entry shall be signed by the collector,

* Rescinded by Section 15, Regulation VIII. 1800.

who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations, is to specify the requisite particulars for completing the entries, in the next quinquennial register, or refer to them, if they be contained in the preceding quinquennial register. The collector is strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property being notified to him.

Counterpart of the English register of intermediate mutations in property, to be kept by the keepers of the native records.

XVIII. A counterpart of the register of intermediate mutations in landed property, is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are in like manner to be paged and attested by the judge of the *dewanny adawlut* of the city of Benares.

How errors in the fair copy of the quinquennial register, and in the register of intermediate mutations, are to be noted.

XIX. When a quinquennial register shall have been transcribed fair into the book attested by the judge of the city of Benares, as directed in Section 13, if it shall be discovered that the entries respecting any estate are erroneous, or incomplete, or that there are any material inaccuracies of the transciber, the entries are not to be altered, or erased, but are to stand; and the collector is to cause the errors or omissions to be noted in the register of intermediate mutations, and attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations, in which the errors or omissions are noted, and at the end of the note, specify the number of the page of the quinquennial register in which the property may be registered. Errors or omissions in the register of intermediate mutations are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register, and register of intermediate mutations in the native languages.

XX. Erroneous or incomplete entries, in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate mutations in the native languages, in addition to the attestation of the keepers of the native records, shall be signed by the collector.

Where titles to estates are disputed, the party in possession to be registered as the proprietor.

XXI. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a court of justice at the time of forming the first, or any subsequent quinqennial register, the party in possession is to be registered as the proprietor.

Collector, from whence to be furnished with the necessary information for making the entries in the register of mutations in property.

Judges of the city and *zillahs* to furnish him with copies of decrees relating to *mafuzzuree* land.

XXII. *First.* The collector will be furnished through the following channels, with the necessary information regarding the mutations in landed property, for making the requisite entries in the register of intermediate mutations.

Second. The city court, and the *zillah* courts, are required by Section 4. Regulation VIII. 1795, to transmit to him copies of all decrees that they may pass, or which may be sent to them to be enforced by the provincial court of appeal, or the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to Government.

Board of Revenue to furnish him with an account of sales of such lands made at Calcutta.

Third. The Board of Revenue is to furnish him with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Particulars of sales made by him to be taken from the accounts in his own possession,

Fourth. In cases in which lands may be ordered to be sold at his *cutcherree*, he will have in his own possession, the authority for the sale, and all the necessary information regarding the property transferred.

as also in cases of the division or the union of estates.

Fifth. He will likewise have in his possession, the requisite information respecting the division or union of estates, which may take place under Regulation XXV. 1793, and Regulation XXVI. 1795, by which it is directed, that the division and union of all estates are to be made under his superintendence.

Transfers of land will be notified to him under Regulation XXVII. 1795.

Sixth. By Regulation XXVII. 1795, transfers of estates, or portions of estates, must be notified to him before the name of the new proprietor can be inserted in the register directed to be kept by the present regulation.

Keepers of the registers to notify to him transfers that may be registered.

Seventh. The keepers of the registers established under Regulation XXXVI. 1793, (extended to Benares by Regulation XXVIII. 1795,) are required by that regulation, to furnish him with the particulars of all transfers of landed property that may be entered in their registers.

XXIII. If a collector shall have occasion to require from a *talookdar*, *zemindar*, or other proprietor, or the farmer of an estate, or from a *putteedar*, distinct or common, or from an under-farmer, any information that may be necessary to enable him to form a quinquennial register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose, under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, for the information of the Governor General in Council, who reserves to himself the power of imposing on such person, whatever fine may appear proper, upon a consideration of the case, and his situation and circumstances in life. Upon receiving notice through the Board of Revenue, of any such fines that may be imposed by the Governor General in Council, the collector is to levy the amount, by the process to which he is authorized to have recourse for the recovery of arrears of revenue.

Proprietors, &c. liable to be fined for omitting to furnish any information that may be required by the collector for preparing the registers.

XXIV. The collector of Benares is to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the quinquennial register, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the city of Benares, in the same manner as the original register, as directed in Section 13; and within one month after the expiration of the third, sixth, ninth, and twelfth month, of each Fussily year, an attested copy of the entries in the register of intermediate mutations, that may have taken place during the three preceding months. * *The collector is to transmit similar copies of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the judges of the* dewanny adawlut *of the city and* zillahs, *and to the provincial court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the quinquennial registers, and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the collector.*

Collector to send duplicates of each quinquennial register to the Board of Revenue.

XXV. The courts of judicature, the Board of Revenue, and the collector, are enjoined to be particularly attentive to the preservation of the quinquennial register, and registers of intermediate mutations, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects.

Courts, the Board of Revenue, and the collector, to be careful to preserve the old quinquennial registers, and registers of mutations.

XXVI. Upon the receipt of this regulation, the Board of Revenue are to prepare forms for the quinquennial register, and the register of intermediate mutations, so that the first-mentioned register may exhibit the required particulars respecting each estate, and, as far as may be practicable, the *sircars*, *pergunnahs*, or other established divisions of the country in which the estates may be situated; and, after submitting the forms for the approbation of the Governor General in Council, they are to transmit a copy to the collector. The approved forms are not to be altered without the sanction of the Governor General in Council; but the Board of Revenue are to suggest any improvements in the form that may occasionally occur to them, and, in the event of their being adopted, they shall take place from the period fixed for forming the next quinquennial register, or at such other period as may be deemed advisable. Upon the receipt of this regulation, the collector is to proceed to collect the necessary papers and information, for forming the quinquennial register, which is to commence with the *Fussily* year 1202, and to register all mutations in property in the province of Benares, that may take place subsequent to the receipt of this regulation. When the quinquennial register for the above year is completed, or earlier if practicable, the collector is to proceed to prepare the quinquennial register which is to commence with the year 1197, the first of the quartennial and decennial settlements, and to complete the register of intermediate mutations to the expiration of the year 1201.

Board of Revenue to prepare a form for the quinquennial register, and for the register of intermediate mutations of property.

XXVII. The quinquennial register to be formed at the commencement of the *Fussily* year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding quinquennial register, and the entries of subsequent mutations in property in the register of intermediate mutations. The materials for each quinquennial register, will thus be ready upon the arrival of the period for preparing it, and the register will be completed

From what materials the register to commence with the year 1207, and every subsequent quinquennial register, is to be formed.

* The rules in *Italic* type are rescinded by Section 15, Regulation VIII. 1800.

pleted, by the mere transcript of them into the book, arranged according to the prescribed form.

All persons at liberty to sue for any landed property registered in the name of another.

XXVIII. No part of this regulation is to be considered to preclude any person, who may deem himself entitled to any estate, or portion of an estate, paying revenue to Government, which may be entered in the quinquennial register, or the register of intermediate mutations, as the property of any other person, from suing for the same in the court of *dewanny adawlut* in which the claim may be cognizable.

A. D. 1800. REGULATION VIII.

A REGULATION *for preparing a general Pergunnah Register of Lands; and for certain Alterations in the prescribed Registers of Estates paying Revenue, and Lands held exempt from the Payment of Revenue.*—PASSED *by the Governor General in Council, on the* 3*d July* 1800; *corresponding with the* 21*st Assar* 1207 *Bengal era; the* 26*th Assar* 1207 *Fussily; the* 21*st Assar* 1207 *Willaity; the* 26*th Assar* 1857 *Sumbut; and the* 10*th Suffer* 1215 *Higeree.*

Preamble.

BY Regulations XLVIII. 1793, and XIX. 1795, a general register is directed to be kept of the landed estates assessed with the public revenue in Bengal, Behar, Orissa, and Benares, and by Regulations XIX. and XXXVII. 1793, XLI. and XLII. 1795, a register is required of all lands held exempt from the payment of revenue in the four provinces. In the former the names of the estates in each *zillah* are directed to be arranged alphabetically, and in both the names of the villages contained in the estate or grant are ordered to be specified, as well as the *pergunnahs* and other local divisions comprehended therein. This specification in the whole of the registers, which are directed to be prepared in three different languages, and (in addition to the original registers kept by the collectors) to be copied for the use of the courts of judicature and Board of Revenue, has occasioned a voluminous detail, productive of delay in keeping up the original registers; at the same time that the form prescribed for those registers, and the necessary arrangement of them according to the estates and tenures included therein, prevent their shewing, in a connected view, the state of the *pergunnahs* or other local divisions of the country, several of which, in some instances, are included in one estate, whilst in others a *pergunnah* comprises many distinct estates; or several small estates, and portions of estates situated in different *pergunnahs.* To remedy the above inconvenience, as well as otherwise to facilitate the punctual preparation of the registers prescribed by the regulations aforesaid; and to provide for a general register of the lands, whether *malguzaree* or *lakheraj*, according to their situation within the *pergunnah* or other established local division to which they are respectively annexed, the Governor General in Council has enacted the following rules, to be in immediate force throughout the provinces of Bengal, Behar, Orissa, and Benares.

Collectors shall form *pergunnah* registers of all lands in their respective districts.

II. The collector of Benares, and the collectors of the several *zillahs* in Bengal, Behar, and Orissa, on receipt of this regulation, shall proceed to form a register of all the lands in their respective districts, of whatever description, to be denominated "*pergunnah* register of lands, *malguzaree* and *lakheraj*;" and to be prepared as hereafter directed.

The register shall contain a distinct head for each *pergunnah*, or such other local division of lands as may have been established.

III. *First.* The register shall contain a distinct head for each *pergunnah*; or where no *pergunnah* division may have been established, for such local division as may have been established instead of a *pergunnah*; whether a *tuppah*, *turruf*, or of whatever other known denomination; but wherever the *pergunnah* division may exist, the lands within such division shall be registered under the head of the *pergunnah*.

The register of each division shall be divided into two parts, for *malguzaree* and *lakheraj* lands.

Second. The register of each *pergunnah* (or other local division where there may be no *pergunnah*) shall be divided into two parts, the one for *malguzaree* lands, or lands assessed for the public revenue; the other for *lakheraj* lands, or lands exempted from the public assessment.

What particulars the *malgusaree* part of the register shall contain.

Third. The *malgusaree* part of the register shall comprise the following particulars of all lands within the *pergunnah* paying revenue to Government; to be specified distinctly for each estate situated therein.

1. Name of the estate to which the lands appertain, as entered in the register of estates paying revenue to Government prescribed by Regulation XLVIII. 1793, and Regulation XIX. 1795, with a reference to the number under which the estate may have been entered in such register.

2. Name of the proprietor or proprietors of the estate, as also entered in the register of estates prescribed by the above regulations.

3. A detailed statement of the several villages, portions of villages, or other subdivisions of each estate within the *pergunnah;* with an accurate enumeration of them, for the purpose of being referred to in the register of estates, as provided in Section 11. of this regulation.

4. The *ruckbah*, or measurement of each village or other subdivision, whenever the same may be ascertainable by public measurements to settle disputes, or otherwise.

5. The gross rents of any village or other subdivision which may have been ascertained by a *khas* collection, attachment or otherwise.

What particulars the *lakheraj* part of the register shall contain.

Fourth. The *lakheraj* part of the *pergunnah* register shall comprize the following particulars of all lands within the *pergunnah* not paying revenue to Government, to be specified distinctly for each *lakheraj* tenure situated therein.

1. Denomination of the tenure as entered in the register of lands held exempt from the payment of revenue to Government, prescribed by Regulations XIX. and XXXVII. 1793, XLI. and XLII. 1795, with a reference to the number under which the tenure may have been entered in such regulation.

2. Name of the holder or holders of the tenure, as also entered in the register of exempted lands prescribed by the above regulations.

3. A detailed statement of the several villages, portions of villages, or other subdivisions of each tenure within the *pergunnah*, with an accurate enumeration of them for the purpose of being referred to in the register of exempted lands, as provided in Section 11. of this regulation.

4. The *ruckbah*, or measurement of each village or other subdivision, wherever the same may have been reported by the holders of *lakheraj* tenures under the requisitions contained in the regulations above mentioned, or may be otherwise ascertainable.

5. The gross rents of any village or other subdivision, the gross produce of which may have been ascertained.

At what period the general *pergunnah* registers are to be prepared, and how to be numbered.

IV. The first general *pergunnah* register shall be prepared for the current Bengal, Fussily, and Willaity year 1207, in the districts wherein these eras are current respectively; and shall exhibit the required particulars respecting the *malgusaree* and *lakheraj* lands in the several *pergunnahs*, as they stood at the commencement of that year, of each era, so as to correspond with the quinquennial register of estates paying revenue to Government No. 3, and the periodical registers of lands held exempt from the payment of revenue No. 2, which by the regulations above referred to are ordered to commence with the year 1207 of the era current in each province. This original *pergunnah* register is to be numbered *one*. A similar general register is to be prepared at the commencement of the Bengal, Fussily, and Willaity year 1212, to be numbered *two;* and thereafter at the commencement of every fifth succeeding year, to be numbered in the order in which it may be formed.

Intermediate *pergunnah* registers shall be kept for recording all alterations between the periods prescribed for forming the general registers.

V. For the purpose of recording any alterations in the particulars required to be entered in the quinquennial *pergunnah* registers, which may take place during the interval of five years; the period prescribed for the formation of them, an intermediate *pergunnah* register shall be kept under the same heads as directed for the general registers, in which all *pergunnah* annexations or separations, all divisions or transfers of estates, all new information obtained respecting the measurement or rents of land, all resumptions of *lakheraj* exemptions, and generally all alterations in any of the particulars required to be entered in the *pergunnah* register of lands, *malgusaree* and *lakheraj*, shall be duly recorded, as soon as possible after such alterations may have taken place; with a note of reference to such parts of the

last formed quinquennial register as may be affected thereby. Provided, however, with respect to all transfers or divisions of estates in which an allotment of the public assessment may be necessary, under the rules prescribed in Section 10, Regulation I. 1793, or any other regulation, that no such transfer or division shall be registered until the assessment has been allotted as required by the regulations; nor shall any entry in the *pergunnah* register be considered to affect the rights of Government, either with regard to lands assessed with the public revenue, or the lands held exempt from such assessment.

Provision respecting cases wherein an allotment of the assessment may be necessary.

No entry in the register shall affect the rights of Government.

VI. The Board of Revenue are to furnish the collectors of the several *willahs* with a form for the *pergunnah* register required by this regulation, which is to be kept in the Persian language, by the keepers of the native records appointed under Regulation XXI. 1793, (extended to Benares by Regulation XXXVII. 1795.) with the assistance of such other native officers as may be appointed for this purpose. But the collectors are to attest every page of the register prepared by them, after ascertaining that it is accurate, and are to cause the quinquennial register to be bound up as soon as completed, in a volume or volumes of uniform dimensions, each leaf of which having been previously paged, is to be signed by the *willah* judge, (or by the city judge in the province of Benares,) with a specification on the last leaf of each volume, of the total number of pages contained in it, in the handwriting of the judge, as prescribed by the existing regulations with respect to the other registers thereby required. The intermediate register is also to be bound up, paged and attested, at the end of every Bengal, Fussily, or Willaity year, in the same manner as above directed with regard to the quinquennial register; and the collectors are enjoined to be careful that the intermediate register is at no time allowed to fall in arrear.

The Board of Revenue are to furnish the collectors with forms of the registers. In what language and by whom the registers are to be kept, and how to be attested.

VII. The *pergunnah* register to commence with the current year, is to be prepared from the papers which have been already furnished by the proprietors and farmers of lands paying revenue, or by the holders of land exempt from the payment of revenue, for the registers of these lands respectively, required to be kept by Regulations XIX. XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795: as well as from any other materials which may have been procured for the quinquennial registers of estates paying revenue and the periodical registers of exempted lands, directed to be prepared at the commencement of the current Bengal, Fussily, and Willaity year 1207. Should any further papers or information be found requisite for the exact ascertainment of portions of estates situated within different *pergunnahs*, or the precise number and names of villages appertaining to the several estates in each *pergunnah*; or for the purpose of ascertaining any of the particulars to be specified under the three first heads of the *malguzaree* part of the *pergunnah* register, or the four first heads of the *lakheraj* part of the register, as stated in the third and fourth clauses of Section 3. of this regulation, the collectors are authorized to require the same from the proprietors, farmers, and under-tenants of *malguzaree* lands, or from the holders of *lakheraj* lands, in the same manner as they are authorized by the regulations above mentioned to require from such persons any information that may be necessary to enable them to form the registers therein prescribed; and under the same penalties for non-compliance. But the collectors are not to require from the proprietors or farmers of *malguzaree* lands, or from their under-tenants, any papers or information respecting the measurement or rents of such lands; nor from the holders of *lakheraj* lands any papers or information respecting the rents of lands of this description, for the purpose of entering the same in the *pergunnah* register; it being intended only that the measurement and rents of *malguzaree* lands, and the rents of *lakheraj* land, should be entered in the register, when the same may be ascertained by public measurements, *khas* collections, attachments, or such other occasional means as may furnish the necessary information for completing these subsidiary heads of the *pergunnah* register, which are to be left blank until such information may be obtained.

From what materials the general registers are to be prepared, and how the materials, not already received, are to be procured.

The collectors are not to require information respecting the rents or measurement of *malguzaree* or the rents of *lakheraj* lands. How such information is to be procured.

VIII. The information required to be furnished for the register of intermediate mutations in landed property, and the register of intermediate resumptions or other occurrences respecting grants of exempted lands, will furnish the collectors with the necessary materials for the intermediate *pergunnah* register prescribed by Section 5; but if any further information should be requisite, they are authorized to require the same under the provisions and restrictions specified in the preceding section.

From what materials the intermediate registers are to be formed, and how any further information is to be procured.

What measures the collectors are to take to render their general registers complete.

IX. The general register for the current year and subsequent intermediate register, if duly kept up, must furnish the collectors with full materials for the quinquennial *pergunnah* register to be prepared in the year 1212, and at every future period. They are also to be careful to avail themselves of any occasional means of authentic information from public measurements, attachments, or otherwise, and it is expected that in the course of time their *pergunnah* registers will contain an accurate statement of the lands and rents throughout their respective districts. To promote the former object, they are further directed to note the boundaries of villages, or other subdivisions, whenever the same may be ascertained; and also, as far as practicable, the limits of the *pergunnahs* (or other local divisions where there may be no *pergunnahs*) within their respective collectorships. No change in the existing limits of *pergunnahs*, or in the *mohauls* composing them, is to be made by the collectors without the sanction of the Governor General in Council; but if any collector should judge it expedient to alter the existing boundaries of a *pergunnah* for the purpose of rendering it more compact, or otherwise, or to separate any village, *talook*, or other *mohauls* from the *pergunnah* to which it may be now attached, and annex it to any other *pergunnah*, he shall state his reasons at large for such alteration to the Board of Revenue, who will submit the same to the Governor General in Council, with their opinion upon the expediency of the alterations proposed, for his determination. Provided that whenever any such *pergunnah* separation or annexation may take place, it shall in no respect affect the rights of the proprietor or occupant of any village, *talook*, or other *mohauls* included therein; and provided further, that the above restriction against the alteration of existing *pergunnahs* without the sanction of the Governor General in Council, shall not be considered to preclude the collector from reannexing to their proper *pergunnah* any *mohauls* which may have been separated therefrom by the landholders since the commencement of the Bengal, Fussily, or Willaity year 1197, and formed into separate *turrufs* or otherwise.

No change in the existing limits of *pergunnahs*, &c. to be made without the previous sanction of Government.

The above rule not to preclude the collectors from reannexing *mohauls* separated since 1197.

Copies of entries in the registers to be sent by one collector to the other, in the case of lands separated from one *zillah* and annexed to another.

X. Whenever any lands may be ordered to be separated from one *zillah* and annexed to another, the collector of the *zillah* from which the separation may be made, is to transmit to the collector of the *zillah* to which the annexation is to be made, an attested copy of all entries, relative to the lands transferred in the last formed quinquennial *pergunnah* register, as well as any entries relative thereto in the subsequent intermediate register, together with any other information that may have been obtained respecting such lands. These documents will enable the collector of the *zillah* to which the lands may be annexed, to make the necessary entry of them in his intermediate *pergunnah* register, as well as in the new general register that may be prepared by him.

Certain parts of Regulations XIX. XXXVII. and XLVIII. of 1793, and XIX. XLI. and XLII. of 1795, respecting the specification of names of villages or other subdivisions, rescinded, and the names of *pergunnahs* and number of villages, &c. only to be inserted in the registers in future.

XI. A reference to the *pergunnah* register, when duly prepared according to the preceding sections, will at all times enable the officers of Government to ascertain the several villages, portions of villages, or other subdivisions of any estate included in the register of estates paying revenue to Government, or of any *lakheraj* tenure included in the register of lands exempt from the payment of revenue, provided that each *pergunnah* (or other local division where there may be no *pergunnah*) in which any part of such estates or tenures may be situated, be specified in the said registers, with the number only of the villages, or other subdivisions in each *pergunnah*. Such parts therefore of Regulations XIX. XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795, as require a specification of the names of villages or other subdivisions in the registers thereby prescribed, in addition to the names of the *pergunnahs* comprising such villages or other subdivisions, are hereby rescinded; and in the registers prescribed by the above regulations to commence with the current Bengal, Fussily, and Willaity year 1207, as well as in all future registers, whether the general register of estates paying revenue or of lands exempt from revenue, directed to be prepared at the expiration of every five years, or the intermediate registers of mutations, resumptions, and other occurrences, it is required only to specify the *pergunnahs* (or other local divisions where there may be no *pergunnahs*) in which any part of the estates and tenures included in the registers may be situated, with the exact number of villages, or other subdivisions appertaining to the estate or tenure, in each *pergunnah* register. The collectors are enjoined to take the utmost care that the names of the *pergunnahs*, (or other local divisions where there may be no *pergunnahs*,) as well as the number of villages or other subdivisions stated to be in each, are exactly conformable to the *pergunnah* register; and are to

Collectors to be careful that the names, &c. are conformable to the *pergunnah* register.

furnish their native officers appointed to prepare the counterpart registers, with particular instructions for this purpose. The mode of correcting any mistakes in registers prescribed by the abovementioned regulations has been provided for in them; and if any should occur in the *pergunnah* register, they are to be rectified in the same manner, in the intermediate register prescribed by Section 5. of this regulation.

How mistakes in the *pergunnah* registers are to be rectified.

XII. A reference to the *pergunnah* register will also shew the measurement and rents of land, whenever the same may have been ascertained, and enable the collectors to furnish this information to the Board of Revenue for public sales of land, or otherwise, when required. It will therefore be no longer necessary to include either of these items, viz. the measurement, or rents of land, in the registers of estates, or of exempted lands prescribed by Regulations XIX. XXXVII. and XLVIII. 1793, or Regulations XIX. XLI. and XLII. 1795; and such parts of those regulations as require the same to be inserted in the registers therein specified, are hereby rescinded.

Further parts of the above regulations, respecting the insertion of the measurement and rents of land, rescinded.

XIII. In Section 2, Regulation XLVIII. 1793, and Regulation XIX. 1795, prescribing a quinquennial register of estates paying revenue to Government, it is explained, that "by the term estate is to be understood any land being *malguzaree*, or subject to the payment of public revenue, for the discharge of which a separate engagement has been, or may be, entered into with Government." But as this definition, strictly construed, would exclude estates held *khas*, in consequence of the proprietors having declined to engage for the public assessment thereupon, under the option given by the rules for the permanent settlement; as well as the estates of disqualified proprietors, which by those rules, and by Regulation X. 1793, were placed under the superintendence of the court of wards; as well as estates belonging to Government for the revenue of which no engagement may have been taken; and it being intended that all lands paying revenue to Government should be included in the registers of estates prescribed by Regulations XLVIII. 1793, and XIX. 1795, it is hereby further explained, that by the term estate therein used, is to be understood any land subject to the payment of revenue for which a separate engagement may have been executed to Government by the proprietor or by a farmer; or which may have been separately assessed with the public revenue, although no engagement shall have been executed to Government, as in cases where the estate may be held *khas* by a *sazawal* or other officer on the part of Government, or be managed by a *serberahkar* for the benefit of a disqualified proprietor.

Further explanation of what is meant by the term "estate."

XIV. The "register of intermediate mutations in landed property," prescribed by Section 16, Regulations XLVIII. 1793, and XIX. 1795, was intended to include all alterations in any of the entries in the quinquennial registers which might take place within the periods at which those registers are directed to be prepared: all alterations in the amount of the annual revenue assessed upon estates should therefore be stated in the registers of intermediate mutations; whether proceeding from an allotment of the fixed assessment upon portions of divided estates in conformity to Section 10, Regulation I. 1793, and Section 7, Regulation XXVII. 1795; or from an increase or decrease of the assessment upon any estate, as fixed at the period of the permanent settlement, or subsequently thereto. In all such cases the particulars of the allotment, increase, or decrease, are to be clearly stated in the register of intermediate mutations; and whenever an abatement of revenue may be inserted, the authority for such abatement is to be invariably quoted, with the date on which it may have been granted by the Governor General in Council, and communicated by the Board of Revenue.

All alterations in the annual revenue, with the particulars thereof, to be inserted in the register of intermediate mutations prescribed by Sections 16, Regulations XLVIII. 1793, and XIX. 1795.

XV. Such parts of Regulations XIX. XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795, as direct counterparts of the several registers therein specified to be kept in the Bengal and Hindoostanee languages, is hereby rescinded; and in future it is required only that an exact counterpart of the several English registers be kept in the Persian language, to be prepared and authenticated as directed in the regulations above mentioned. Such parts of those regulations as direct the collectors of the several *zillahs* to furnish copies of the prescribed registers to the judges of the *dewanny adawlats* of their respective *zillahs*, and to the provincial courts of appeal, in the jurisdiction of which their respective *zillahs* are included, or which require the Board of Revenue to furnish the Sudder Dewanny Adawlat with a copy of the prescribed registers for each *zillah*, are likewise hereby rescinded; and instead thereof, the *zillah* and city courts of *dewanny adawlat* and provincial courts of appeal are authorised, whenever they may have occasion to refer to any of the registers prescribed by the above regulations or by the present regulation, to require from the collectors the production of the original register, or an attested copy of such part thereof as may

Such parts of Regulations XIX. XXXVII. and XLVIII. of 1793, and XIX. XLI. and XLII. of 1795, as direct counterparts of the registers to be kept in the Bengal and Hindoostanee languages, and copies to be furnished to the courts of justice, rescinded; and

How the courts are to proceed whenever they have occasion to refer to any of the registers.

may contain the required information. The collectors, on the receipt of such requisition, are immediately to transmit the original register, if it can be sent without inconvenience, under the care of one of their native officers, in whose custody it is to remain till returned: or if the original register cannot be conveniently sent, are to transmit without delay an accurate copy of such part thereof as may be required, under the attestation of their official signature. In like manner the Board of Revenue, on the requisition of the court of Sudder Dewanny Adawlut, are to furnish any *zillah* register received by them which may be required by that court; or a copy, attested by the signature of their secretary, or accountant, of any part thereof which may be required. In the event of any register required by a court of justice not having been prepared, and the period fixed for its preparation having elapsed, the collector is to explain to the court the cause of such register not having been prepared, and the explanation so given is to be transmitted by the court receiving it to the Governor General in Council. Any person succeeding to the office of collector, or invested with the temporary charge of such office, is also required, immediately on his taking charge, to ascertain whether the prescribed registers have been duly prepared; and if not, to report the same to the Board of Revenue, with any explanation he may have received of the omission, for the information of the Governor General in Council.

Courts to report to Government the explanations given by collectors for not having the registers completed within the prescribed periods.

Collectors on acting collectors, on taking charge, to ascertain whether the registers have been duly prepared, and if not, to report the same to the Board of Revenue for the information of Government.

XVI. The copies of the several registers which the collectors of Bengal, Behar, and Orissa, by Section 22, Regulation XIX. Section 37, Regulation XXXVII. and Section 26, Regulation XLVIII. 1793; and the collector of Benares, by Section 24, Regulation XIX. Section 42, Regulation XLI. and Section 37, Regulation XLII. 1795, are required to furnish to the Board of Revenue, shall be transmitted by the collectors at the periods therein specified, in the English and Persian languages, to the accountant of the Board of Revenue, who is to report to the Board any instances of the prescribed quarterly copies not having been received at the fixed periods; or of the quinquennial copies not having been received within the year at the commencement of which the quinquennial registers are directed to be prepared; and is to return to the collectors for correction any copies of registers received from them which may not have been prepared according to the prescribed form. The accountant is also to compare the assessment stated in the registers of estates paying revenue, with the accounts of the permanent settlement deposited in his office, as well as with any accounts or information which may from time to time be communicated to him by the Board of Revenue of any authorized alterations in the assessment, whether from allotments of the fixed assessment upon divisions of estates, or from any increase or decrease of assessment from whatever cause; and the secretary to the Board of Revenue is to be careful that the accountant is regularly informed of all such alterations which may be authorized. When the collector may have omitted only to quote the authority for such alterations in his register of intermediate mutations, the copy of the register is to be returned to him by the accountant to supply the omission; but if in any case it shall appear to the accountant that the collector has stated any alteration in the assessment of an estate without due authority, he is to report the same to the Board of Revenue, with any explanation given by the collectors, for such orders as may be necessary; or for the determination of the Governor General in Council.

The copies directed by the abovementioned regulations to be sent to the Board of Revenue, shall be sent to their accountant, who is to examine, and, in certain cases, report thereon.

XVII. The Board of Revenue are to furnish the collectors with new forms for the several registers prescribed by Regulations XIX. XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795, adapted to the alterations directed by the present regulation; and the collectors, on receipt thereof, are enjoined to prepare the quinquennial register of estates paying revenue, and periodical registers of lands held exempt from revenue, directed to be formed at the commencement of the current Bengal, Fussily, and Willaity year, with the least possible delay. They are also, without waiting for the completion of these general registers, to transmit to the accountant of the Board of Revenue as soon as possible, the quarterly entries in their registers of intermediate mutations and resumptions from the commencement of the current year; and are to be particularly careful that the same are regularly transmitted in future. The omission of the detail of villages, measurements, and rents in the whole of these registers, and the discontinuance of the counterparts in the Hindoostanee and Bengal languages will, it is expected, enable them to keep the several registers hereafter with the utmost punctuality, and to promote this material object, a sufficient number of officers shall be appointed to assist the native record-keepers appointed under Regulation XXI. 1793, in keeping the *pergunnah* register prescribed by the present regulation;

The Board of Revenue are to furnish the collectors with new forms for the registers adapted to the alterations now directed.

Collectors to be regular in the transmission of the required papers, and

to propose officers to assist in the preparation of them, with

regulation; as well as the Persian counterparts of the registers of estates paying revenue, and lands exempted from the payment of revenue, prescribed by the regulations above mentioned; and in preparing the copies of these counterpart registers directed to be transmitted to the accountant of the Board of Revenue. Such officers shall as far as possible be selected from the *pergunnah muhurrirs* employed under the late *canoongoes*, and shall be immediately proposed by the collectors to the Board of Revenue, with a statement of the allowances deemed necessary for them, in addition to any sums now received by them from Government under Section 34, Regulation VIII. 1793, and Regulation XXIV. 1793, therein referred to. The collectors are at the same time to report to the Board of Revenue what parts of their present establishments can be appropriated to the payment of such allowances, and whether they would recommend any of the native officers now acting under them to be employed as proposed. They are also to report whether any and what number of native writers will be required to keep up the English registers of estates paying revenue, and lands exempted from payment of revenue, in addition to their assistants, who are to be employed upon this duty as far as their other business will permit; and it is expected that the collectors themselves will give constant attention to the English registers, for all entries in which they are declared responsible; particularly to the registers of intermediate mutations, resumptions, and other occurrences, in which the utmost accuracy is essentially necessary, and the transactions entered in which being occasional only, the entries can be easily made by the collectors themselves in the original registers.

a statement of the allowances deemed necessary for them.

The collectors are to report what parts of their present establishments may be appropriated to paying such allowances, and what additional native writers will be necessary for the English registers.

XVIII. On receipt of the reports required from the collectors by the preceding section, the Board of Revenue are to submit to the Governor General in Council the necessary establishments of native officers for keeping up the several registers prescribed; and if any additions to the present establishments should appear to them indispensably necessary for the purpose, they are to state the same to the Governor General in Council for his determination. The officers so appointed, or who may be hereafter appointed for the purposes specified in the preceding section, shall not be removable, without proof of misconduct to the satisfaction of the Governor General in Council. They are to be exclusively employed in preparing and copying the prescribed registers, whilst any part of these shall be in arrear; and after completing the register directed to be prepared for the current year, are, with the least possible delay, to complete the registers in arrear for former years; but the preparation of the current year's registers is not to be delayed for those of former years, unless the collectors shall judge it advisable in any instance, from the forward state of their registers for past years, or otherwise; in which case they are to report the same to the Board of Revenue, and to be guided by their instructions.

Board of Revenue to submit the necessary establishments to Government.

Rules respecting the removal of officers appointed for this duty, and how they are to be employed.

XIX. By Section 26, Regulation XIX. 1793, Section 21, Regulation XXXVII. 1793, and the corresponding Sections in Regulations XLI. and XLII. 1795, all lands held exempt from the payment of revenue, which the holders may have omitted to register by the time prescribed in the publication therein referred to, are become subject to the payment of revenue, unless sufficient cause be shewn to the satisfaction of the Governor General in Council for their not having been registered within the limited period. It appearing, however, that the publications directed in Section 25, Regulation XIX. 1793; Section 20, Regulation XXXVII. 1793, and the corresponding sections in Regulations XLI. and XLII. 1795, have not in every instance been made as therein directed, (viz. the publication respecting lands held under *badshahee* grants, in the principal *cutcherree* of the holders of such grants; and respecting other exempted lands, in the principal *cutcherree* of every proprietor and farmer of land paying revenue to Government; and of every native collector, in lands held *khas* by Government; or when the estate, farm, or *khas* land may consist of two or more whole *pergunnahs* or portions of *pergunnahs*, in the principal *cutcherree* of each *pergunnah* or portion of a *pergunnah* comprised in such estate, farm, or *khas* land;) the collectors are hereby further directed, immediately on the receipt of this regulation, to ascertain whether the publications above specified have been duly made as prescribed, throughout their respective collectorships; and if not, they are to cause the same to be made without delay, in the manner prescribed, as well as in their own *cutcherrees*, and in the *cutcherrees* of the *dewanny* courts situated within their respective *zillahs*; allowing the further period of one year from the date of such publications, for the registry of the lands therein specified. After the expiration of such period, any unregistered land found to be held exempt from the payment of revenue is to be assessed, under the provisions contained in

Collectors to ascertain whether the publications directed in Section 25, Regulation XIX. and Section 20, Regulation XXXVII. of 1793, and similar sections of Regulations XLI. and XLII. of 1795, have been made; and if not, to cause them to be made, allowing one year from the publication for the prescribed registry, after which all unregistered land held exempt from revenue shall be assessed as prescribed in those regulations.

the above regulations, whenever the same may be discovered; and the collectors are to enter lands so assessed (together with all other *lakheraj* lands which may be brought upon the public assessment) in their succeeding quinquennial register of estates paying revenue, as well as in their regis er of intermediate mutations.

Notice to be given to the collectors of the establishment of new villages under certain penalties.

XX. Whenever any new village may be established upon lands paying revenue to Government, the name of which shall not have been included in the list of villages delivered to the collectors for the purpose of preparing the prescribed registers of these lands, the proprietor of the estate in which such new village may be situated, or the farmer, if the estate be let in farm by Government, or the *serberahkar*, or *khas* officer, who may have the management of the estate, if it be *serberahkaree* or *khas mohaul*, is to give notice to the collector immediately on the establishment of such new village, that the same may be entered in the public registers. In default thereof, or in the event of its appearing that any village or other portion of an estate subject to the payment of revenue has been wilfully omitted in the village statements which the collectors are authorised to require for the purpose of preparing the public registers, the village, or other portion of an estate so wilfully omitted shall be liable to forfeiture to Government, if the statement which ought to have contained it, shall have been furnished by the proprietor; or if furnished by a farmer, *serberahkar*, *sezawoul*, or other officer, the person who may have furnished the same shall be liable to a fine to Government, in such amount as the Governor General in Council, on consideration of the circumstances of the case, may think proper to impose. The collectors are to report all cases of this nature to the Board of Revenue; who are to submit the same, with their sentiments, for the determination of the Governor General in Council.

Notice to be given to the collector by all persons succeeding to landed property by inheritance or otherwise.

XXI. That the collectors may be regularly informed of all future changes in the property of *malguzaree* estates, or *lakheraj* tenures, within their respective *zillahs*, for the purpose of entering the same in the prescribed registers, all persons succeeding to the property of any *malguzaree* estate, or *lakheraj* tenure, whether by inheritance, purchase, gift, or otherwise, are required to notify such succession, immediately after the same may have taken place, to the collector of the *zillah* in which the estate or tenure succeeded to may be situated; and to furnish such information as may be necessary to enable the collector to make the prescribed entries in the public registers.

Collector to inquire into the truth of such allegation.

The collectors, on receiving the notification, are to make such inquiry as may appear necessary to ascertain the truth of the alleged succession to, or transfer of the property, and if the same shall appear to have taken place, are to make the requisite entries in the intermediate *pergunnah* register, in the intermediate register of mutations in lands paying revenue, and the intermediate register of occurrences respecting lands held exempt from the payment of revenue; provided, with regard to all such entries, that they shall not in any degree affect the rights of any party whose name may be registered therein as the ostensible proprietor of the land, or whose name may not have been registered as the proprietor, but who may establish a right of property in the *dewanny adawlut*, or otherwise. Any person succeeding to the property of a *malguzaree* estate, or *lakheraj* tenure, who may not give the notification above required to the collector; or any person who may wilfully misrepresent to the collector his having succeeded to the property of an estate or tenure, to which, on inquiry, it may appear he has not succeeded, shall, for such omission or misrepresentation, be liable to a fine to Government, to be fixed by the Governor General in Council on a report from the collector, through the Board of Revenue, of the nature and circumstances of the case.

Penalty for neglect of giving such notice, or wilful misrepresentation in giving it.

When the person succeeding to the estate or tenure may be a minor, or otherwise disqualified from giving himself the notice required, his guardian, or whoever may act for him in the management of the estate or tenure succeeded to, is to give the information required under the prescribed penalty.

The records of the late *mofussil canoongoes* to be delivered to the collectors; and

XXII. The office of *canoongoe*, *sudder* and *mofussil*, having been abolished, the records of the late *canoongoe* officers employed in the several *zillahs* are to be immediately delivered over to the collectors, who are hereby authorized to require the same; and, if necessary, to proceed for the recovery of them in the mode prescribed by Section 16, Regulation III. 1794.

Those of the *sudder canoongoes* and their *naibs*; to the Board of Revenue, who are to report on the best mode of disposing of them.

The Board of Revenue are also to require from the late *sudder canoongoes*, and their *naibs*, the whole of the records kept in their respective offices; and after causing a list thereof to be taken, are to submit the same to the Governor General in Council, with their sentiments in what manner such records should be disposed of for the public service. The several collectors are likewise to furnish the Board of Revenue with a list of the records which may be delivered over to them under this section, and are to be careful that such records are preserved.

A. D. 1803. REGULATION XLII.

A REGULATION *for forming a Periodical Register of the Zemindarees, and other landed Estates, paying Revenue to Government, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*—PASSED *by the Governor General in Council, on the* 24*th March* 1803 ; *corresponding with the* 12*th Chyte* 1209 *Bengal era ; the* 16*th Chyte* 1210 *Fussily ; the* 12*th Chyte* 1210 *Willaity ; the* 16*th Chyte* 1860 *Sumbut ; and the* 29*th Zekaad* 1217 *Higeree.*

WHEREAS every *zemindaree*, or other land *tenure*, is liable, in progress of time, to be divided, and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale : And whereas the security of the public revenue depends upon the allotment of it on each portion of every estate so divided being made agreeably to the rules prescribed in Sections 37. and 38, Regulation XXV. 1803. And whereas it is necessary to enable the officers of Government to apportion the public revenue in conformity to the rules contained in that regulation, and to afford to Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, of the annual revenue charged upon each of them, and of the names of the proprietors, and also of the transfer of estates or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same *zemindaree*, *talook*, or other land *tenure* ; and that every such union, and all such transfers, divisions, and allotments of the public revenue which have taken place since the commencement of the settlement, formed under the proclamation issued by the Honorable the late Lieutenant Governor and the Board of Commissioners, under date the 14th of July 1802, or which may hereafter occur, should be traceable with facility and certainty, at any future period : And whereas it is also requisite, for financial purposes, and for the information of the courts of judicature from or to whose jurisdiction any districts or lands may be transferred or annexed, that there should be a record of the transfer of all districts or lands from the jurisdiction of one *zillah* to that of another : And whereas it is necessary to provide for a separate general register of lands, whether subject to or exempted from the payment of public revenue, according to their situation within the *pergunnah*, or other established local division to which they are respectively annexed, for the purpose of exhibiting, in a connected view, the state of the *pergunnahs*, or other local divisions of the country, several of which, in some instances, are included in one estate, whilst, in others, a *pergunnah* comprizes many distinct estates, or several small estates, and portions of estates, situated in different *pergunnahs* : the following rules have been accordingly enacted.

II. *First.* Every five years, the collectors of the land revenue in the several *zillahs* in the provinces ceded by the Nawaub Vizier to the English East India Company, shall prepare a register of all the estates in their respective *zillahs*, of whatever denomination or description,

Quinquennial register to be prepared of the estates paying revenue to Government, and of the

Jumma assessed upon each estate.

description, the proprietors of which pay the public *jumma*, or revenue, assessed upon their estates, immediately to Government.

Explanation of the term estate.

Second. By the term estate, is to be understood any land, subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government, by the proprietor, or by a farmer, or which may have been separately assessed with the public revenue, although no engagement shall have been executed to Government, as in cases where the estate may be held *khas* by a *sezawul*, or other officer, on the part of Government, or be managed by a *serberahkar* for the benefit of a disqualified proprietor.

Names of estates to be arranged according to the *jumma*.

III. The names of the estates in each *zillah* shall be arranged according to the amount of the annual *jumma* assessed on each estate, commencing with the estate yielding the most considerable revenue to Government.

Estates to retain their present names.

IV. Estates having names, shall retain the names by which they are at present distinguished.

Estates, the names of which are varied upon a change of the proprietor, to retain their present names.

V. Where it is the practice to vary the appellation of estates, upon every change of the proprietors, such estates shall henceforth bear the names by which they are at present distinguished.

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation, shall be named by the proprietor or proprietors, and shall henceforth retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate, regarding the name to be given to the estate, it shall be determined by a majority of the proprietors, or, in the event of the absence or disqualification of any of such proprietors, by a majority of those present who may be qualified to vote; with this provision, that where the votes and interest in the estate may be equal, or the proprietors shall neglect to give a name to the estate upon the requisition of the collector, he shall name the estate without reference to the Board of Revenue.

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguished appellation of *talook*, *tuppa*, &c. they shall be placed on the register according to the initial letters of their names, and any such distinguishing appellations shall be inserted immediately after the names as follows:

AKBERPORE (*tuppa*, or *talook*,) &c.

Estates which form specific portions of *zemindarees*, &c. to be stated under the general head of the original estate.

Second. Where a *zemindaree*, *talook*, or other land *tenure*, from whatever cause, shall have been, or may be, divided into a number of shares, each consisting of a specific and ascertained proportion of the original estate, and the sharers shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares shall be placed under the head of the *zemindaree*, *talook*, or other land *tenure*, of which they originally constituted a part, as follows:

AKBERPORE.
Six annas,
Three annas,
Seven annas.

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or *mohauls* in an estate, not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale, or by any private act of the proprietor, and the new proprietor shall have entered into or may execute separate engagements to Government for the public revenue, the lands so transferred (which agreeably to clause second, Section 2, will form a separate estate) shall not be inserted under the head of the *zemindaree*, *talook*, or other land *tenure*, of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they shall be considered as original and distinct estates, and be named under the rules above prescribed for the naming of estates.

Parts of the same estate in different *zillahs*, for which one engage-

Fourth. If parts of the same estate shall be situated in different *zillahs*, and one engagement only shall have been executed by the proprietor to Government for the whole estate, in such case, the portions in each *zillah* shall be registered as *kismuts* or parts of the

estate, without any specification of the proportion that they may bear to the whole estate, which, under such circumstances, may not be ascertainable.

ment only has been given to be registered as *kiraoots*.

Fifth. Under the head of each estate, shall be specified the names of all the *pergunnahs* or other local divisions, arranged as directed in Section 3, together with the exact number of villages, or other subdivisions appertaining to the estate.

Names of the *pergunnahs*, villages, &c. in each estate to be specified.

VIII. Where estates consist of one, or two, or more villages, not comprising a whole *pergunnah*, the name of the *pergunnah* in which the estate may be situated shall be specified in the *pergunnah* register.

Where estates consist of one or more villages, the name of the *pergunnah* to be specified.

IX. The name or names of the proprietor or proprietors of every estate shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer shall be specified.

Names of the proprietors of every estate to be inserted opposite to it.

X. The periodical register to be first formed for the *zillahs* in the provinces ceded by the Nawaub Vizier to the English East India Company, shall commence with the Fussily year 1215, and shall exhibit the estates in the several *zillahs*, and the required particulars respecting them, as they may stand at the commencement of that year. Upon this register being completed, a similar register shall be forthwith formed to commence with the Fussily year 1210, and show the estates in the several *zillahs* as they stood at the commencement of that year. The periodical register to be formed at the commencement of the Fussily year 1210, and every succeeding five years, shall exhibit the estates in each *zillah*, as they may stand at that, and each subsequent period.

Periodical registers in the several *zillahs* when to commence.

XI. The register to be first formed, and to commence with the Fussily year 1215, shall be numbered Two. The register to be next formed, commencing with the Fussily year 1210, shall be numbered One. The register to be formed at the commencement of the Fussily year 1220, shall be numbered Three, and every subsequent periodical register in the order in which it may be formed.

Registers to be numbered.

XII. The register for each *zillah* shall be written on English paper, of the exact size of that on which the former hereafter directed to be prepared by the Board of Revenue may be written, and shall be bound up in one volume, on the back of which there shall be the following inscription:—"Register of estates paying revenue to Government in the *zillah* of ———, at the commencement of the year ——— Fussily era ———, corresponding with the year of our Lord ———. Number ———."

Size of the paper for the register.

XIII. When the draft of the periodical register shall be completed, it shall be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the judge of the court of *adawlut* of the *zillah*, and on the last leaf of the book, the judge shall specify in his own handwriting the number of pages contained in it; and no register shall be considered as authentic but such as may be entered in a book so paged and attested.

No register to be considered as authentic, excepting such as may be paged and signed.

Leaves of the register to be paged, and to be signed by the judge of the *zillah*.

XIV. It shall be the duty of the keepers of the native records, appointed under Regulation XXIII. 1803, to keep an exact counterpart of the English register in each *zillah*, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the court of *adawlut* of the *zillah*, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

Counterpart register to be kept by the keepers of the native records.

XV. The counterpart registers shall be kept in the Persian language.

In what language the counterpart registers are to be kept.

XVI. *First.* For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates that originally formed a part of the same *semindaree*, *talook*, or other land tenure, which may take place during the five years, subsequent to the forming of each periodical register, the collectors shall prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "Register of intermediate mutations in landed property," and have the following inscription on the back:—"Register of intermediate mutations in landed property between the commencement of the year ———, and the expiration of the year ——— Fussily era." Previous to any entries being made in this register, it shall be paged, and the judge of

Manner in which the mutations in property in the intervals between the forming of each periodical register are to be recorded.

of the court of *adawlut* of the *zillah* shall sign each leaf of it, and on the last leaf, specify in his own hand-writing the number of pages contained in the book. The collector shall cause to be entered in this register all divisions of estates, or transfers of estates, or portions of estates, and every union of estates which originally constituted a part of the same *zemindaree*, *talook*, or other land tenure, that may take place during the five years subsequent to the formation of each periodical register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next periodical register, and shall attest the entry with his signature.

All alterations in the annual revenue, with the particulars thereof, to be inserted in the register of intermediate mutations.

Second. The register of intermediate mutations in landed property, directed to be kept by the foregoing clause, shall include all alterations in any of the entries in the periodical registers which may take place within the periods at which these registers are directed to be prepared. All alterations in the amount of the annual revenue assessed upon estates shall accordingly be stated in the registers abovementioned; whether proceeding from an allotment of the fixed assessment upon portions of divided estates, in conformity to Section 37, Regulation XXVII. 1803; or from an increase or decrease of the assessment upon any estate, as fixed at the period of either of the triennial settlements, or the quarternial settlement, or subsequently thereto. In all such cases, the particulars of the allotment, increase, or decrease, shall be clearly stated in the register of intermediate mutations; and, whenever an abatement of revenue may be inserted, the authority for such abatement shall be invariably quoted, with the date on which it may have been granted by the Governor General in Council, and communicated by the Board of Revenue.

Documents to be furnished by collectors of *zillahs* from which separations may be made.

XVII. Whenever any estates, or portion of estates, shall be directed to be separated from one *zillah*, and annexed to another, the collector of the *zillah* from which the separation may be ordered to take place, shall transmit to the collector of the *zillah* to which the annexation is to be made, a copy of the entries in the last periodical register formed prior to the separation, which may relate to the several estates, or portions of estates to be separated, and of any entries respecting them in the register of intermediate mutations which may have taken place subsequent to the forming of the last periodical register. These documents shall be entered by the collector of the *zillah* to which the annexations may be directed to be made, in the register of intermediate mutations in his *zillah*, as materials for forming the next periodical register.

How separations and annexations altering the jurisdictions of the courts, are to be made known to them.

XVIII. The Governor General in Council will direct the order for the separations and annexations specified in the preceding article, to be notified to the courts of judicature from the jurisdiction of which the separation is to take place, and also to the courts to the jurisdiction of which the annexation is to be made. Upon the arrival of the period when the separation and annexation is to be carried into effect, the collector of the *zillah*, from which the separation may be made, shall transmit to the judge of the court of *adawlut* of his *zillah*, and also to the provincial court of appeal, copies of the entries in the last periodical register and register of intermediate mutations, which may relate to the estates or portions of estates to be separated from his *zillah*; and the collector, to whose *zillah* the annexation may be made, shall transmit copies of the above-mentioned entries (with which he is directed to be furnished by Section 17), to the judge of his *zillah*, and to the provincial court of appeal. Immediately upon the receipt of these papers, the courts, from the jurisdiction of which the separations may be made, shall transmit the papers in the causes depending before them, which, in consequence of the separation, may become cognizable in any other provincial court of appeal, or *zillah* court, to such court, and cause notification thereof to be communicated to the parties in writing.

Further rules to be observed in keeping the register of intermediate mutations in property.

XIX. To facilitate reference, as well as the preparing of the new periodical register at the end of every five years, the collector shall insert, in the preceding periodical register in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and, at the end of the note of the alteration in the last-mentioned register, he shall insert, in red ink, the number of the page in which the estate may be registered in the periodical register; and every such entry shall be signed by the collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations shall specify the requisite particulars

for

for completing the entries in the next periodical register, or refer to them, if they be contained in the preceding periodical register. The collectors are strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property, or any separation or annexation of lands from or to their respective *willahs*, being notified to them through any of the channels specified in Section 24.

XX. A counterpart of the register of intermediate mutations in landed property shall be kept by the keepers of the native records, in the same form as the English register, and in a book the leaves of which shall in like manner be paged and attested by the judge of the court of *adawlut* of the *willah*.

Counterpart of the English register of intermediate mutations in property to be kept by the keepers of native records.

XXI. When a periodical register shall have been transcribed fair into the book, attested by the judge of the *willah*, as directed in Section 13, if it shall be discovered that the entries respecting any estate are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries shall not be altered or erased, but shall stand, and the collector shall cause the errors or omissions to be noted in the register of intermediate mutations, and attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations in which the errors or omissions are noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate mutations shall be noted in a similar manner.

How errors in the fair copy of the periodical register and in the register of intermediate mutations are to be noted.

XXII. Erroneous or incomplete entries, in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry, in the counterpart of the register of intermediate mutations in the Persian language, shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Similar rule with regard to errors in the counterpart of the periodical register and register of intermediate mutations in the Persian language.

XXIII. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a court of justice, at the time of forming the first, or any subsequent periodical register, the party in possession shall be registered as the proprietor.

Where the titles to the estates are disputed, the party in possession to be registered as the proprietor.

XXIV. *First.* The collectors will be furnished, through the following channels, with the necessary information regarding the mutations in landed property, and the annexations to, or separations from, their respective *willahs*, for making the requisite entries in the register of intermediate mutations.

Collector from whence to be furnished with the necessary information for making the entries in the register of mutations in property.

Second. The *willah* courts are required by Section 11, Regulation III. 1803, to transmit to them copies of all decrees which they may pass, or which may be sent to them to be enforced, by the provincial courts of appeal, or the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to Government.

Third. The Board of Revenue shall furnish them with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Fourth. In cases in which lands may be ordered to be sold at their *cutcherrees*, they will have in their own possession the authority for the sale, and all the necessary information regarding the property transferred.

Fifth. They will likewise have in their possession the requisite information respecting the division or the union of estates which may take place under Regulation XXVI. 1803, that regulations directing that the division and union of all estates shall be made under their superintendence.

Sixth. By Section 37, Regulation XXV. 1803, transfers of estates, or portions of estates, must be notified to them, before the name of the new proprietor can be inserted in the register directed to be kept by this regulation.

Seventh. The keepers of the registers, established by Regulation XVII. 1803, shall furnish them with the particulars of all transfers of landed property which may be entered in their registers.

Proprietors, &c. liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

XXV. If a collector shall have occasion to require from the proprietor or the farmer of an estate, or from a dependant *talookdar*, or under-farmer, any information which may be necessary to enable him to form a periodical register, or to make the requisite entries in the register, of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose, under his official seal and signature, the collector shall report the circumstances to the Board of Revenue, for the information of the Governor General in Council, who reserves to himself the power of imposing on such person whatever fine may appear proper upon a consideration of the case, and his situation and circumstances in life. Upon receiving notice through the Board of Revenue of any such fines which may be imposed by the Governor General in Council, the collector shall levy the amount by the same process as he is authorised to have recourse to for the recovery of arrears of revenue.

Collectors to send duplicates of each periodical register to the Board of Revenue.

XXVI. *First.* The collectors of the several *willahs* shall transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers, both in the English and the Persian languages, each in a book of the prescribed size, paged and attested by the judge of the *adawlut* of the *willah* in the same manner as the original register, as directed in Section 13; and, within one month after the expiration of the third, sixth, ninth, and twelfth months of the Fussily year, an attested copy of the entries in the register of intermediate mutations which may have taken place during the three preceding months.

The above duplicates to be sent through the channel of the accountant to the Board of Revenue. The accountant shall examine them, and, in certain cases, report thereon.

Second. The copy of the periodical registers, directed to be transmitted to the Board of Revenue, by the foregoing clause, as well as the copies of the periodical registers, directed to be transmitted to the Board of Revenue by Section 37, Regulation XXXI. and Section 37, Regulation XXXVI. 1803, shall be sent through the channel of the accountant to that Board, who shall report to the Board any instances of the prescribed quarterly copies not having been received at the fixed periods; or of the quinquennial copies of the registers, to be prepared from the commencement of the Fussily year 1215, not having been received within the year at the commencement of which the quinquennial registers are directed to be prepared; and shall return to the collectors for correction, any copies of registers received from them which may not have been prepared according to the prescribed forms. The accountant shall also compare the assessment stated in the registers of estates paying revenue, with the accounts of the existing settlement in his office, as well as with any accounts or information which may, from time to time, be communicated to him by the Board of Revenue of any authorised alterations in the assessment, whether from allotments of the assessment upon divisions of estates, or from any increase or decrease of assessment from whatever cause, and the secretary to the Board of Revenue will be careful, that the accountant is regularly informed of all such alterations which may be authorized. When the collector may have omitted only to quote the authority for such alterations in his register of intermediate mutations, the copy of the register shall be returned to him by the accountant to supply the omission, but if, in any case, it shall appear to the accountant, that the collector has stated any alteration in the assessment of any estate without due authority, he shall report the same to the Board of Revenue, with any explanation given by the collector, for such orders as may be necessary, or for the determination of the Governor General in Council.

The courts of judicature how to proceed, whenever they have occasion to refer to any of the registers.

Third. Whenever the *willah* courts, or the provincial court of appeal, may have occasion to refer to any of the registers prescribed by the present regulation, they are authorized to require from the collectors the production of the original register, or an attested copy of such part thereof as may contain the required information. The collectors, on the receipt of such requisition, shall immediately transmit the original register, if it can be sent without inconvenience, under the care of one of their native officers, in whose custody it is to remain till returned; or, if the original register cannot be conveniently sent, shall transmit, without delay, an accurate copy of such part thereof as may be required, under the attestation of their official signature. In like manner, the Board of Revenue, on the requisition of the court of Sudder Dewanny Adawlut, shall furnish any *willah* register received by them which may be required by that court; or a copy, attested by the signature of their secretary, or accountant, of any part thereof which may be required. In the event of any register required by a court of justice not having been prepared, and the period fixed for its preparation having elapsed, the collector shall explain to the court the cause of such register not having

Courts to report to Government the explanations given by collectors for not having the regis-

ing been prepared, and the explanation so given shall be transmitted by the court receiving it to the Governor General in Council. Any person succeeding to the office of collector, or invested with the temporary charge of such office, is also required, immediately on his taking charge, to ascertain whether the prescribed registers have been duly prepared; and if not, to report the same to the Board of Revenue, with any explanation he may have received of the omission, for the information of the Governor General in Council.

ters completed within the prescribed periods.

Collectors, or acting collectors, on taking charge, to ascertain whether the registers have been duly prepared, and if not to report the same to the Board of Revenue for the information of Government.

XXVII. The Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the quinquennial register, and registers of intermediate mutations, both in the English and Persian languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects.

Courts, the Board of Revenue, and the collectors, to be careful to preserve the old quinquennial registers and registers of mutations.

XXVIII. Upon the receipt of this regulation, the Board of Revenue shall prepare forms for the periodical register, and the register of intermediate mutations, so that the first mentioned register may exhibit the required particulars respecting each estate, and, as far as may be practicable, the *sircars*, *pergunnahs*, or other established divisions of the country in which the estates, in the several *zillahs*, may be situated; and, after submitting the forms for the approbation of the Governor General in Council, they shall circulate copies to the collectors. The approved forms shall not be altered without the sanction of the Governor General in Council; but the Board of Revenue are at liberty to suggest any improvements in the forms which may occasionally occur to them; and, in the event of their being adopted, they shall take place from the period fixed for forming the next periodical register, or at such other period as may be deemed advisable. Upon the receipt of this regulation, the collectors shall proceed to collect the necessary papers and information for forming the quinquennial register which is to commence with the Fussily year 1215, and to register all mutations in property in their respective *zillahs* which may take place subsequent to the receipt of the regulation. When the periodical register for the abovementioned year shall be completed, or earlier if practicable, the collectors shall proceed to prepare the quinquennial register which is to commence with the Fussily year 1210, and to complete the register of intermediate mutations to the expiration of the year 1214.

Board of Revenue to prepare a form for the quinquennial register and for the register of intermediate mutations in property.

XXIX. The periodical register to be formed in each of the *zillahs* in the provinces ceded by the Nawaub Vizier to the English East India Company, at the commencement of the Fussily year 1220, and at the commencement of every succeeding five years, shall be prepared from the preceding periodical register, and the entries of subsequent mutations in property in the register of intermediate mutations, with the omission or addition of any estates or portions of estates, which may have been separated from the *zillah*, or annexed to it, subsequent to the forming of the last periodical register. The materials for each register will thus be ready, upon the arrival of the period for preparing it; and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

From what materials the register to commence with the year 1220, and every subsequent quinquennial register are to be formed.

XXX. The following rules are prescribed, for forming a *pergunnah* register of lands, subject to or exempted from the payment of public revenue, in the provinces ceded by the Nawaub Vizier to the English East India Company.

XXXI. The collectors of the land revenue in the several *zillahs* in the provinces ceded by the Nawaub Vizier to the English East India Company, on receipt of this regulation, shall proceed to form a register of all the lands in their respective *zillahs*, of whatever description, to be denominated "*pergunnah* register of lands, *malguzaree* and *lakheraj*;" and to be prepared as hereafter directed.

Collectors shall form *pergunnah* registers of all lands in their respective districts.

XXXII. *First.* The register shall contain a distinct head for each *pergunnah*; or where no *pergunnah* division may have been established, for such local division as may have been established instead of a *pergunnah*; whether a *tuppah*, *turruf*, or of whatever other known denomination; but wherever the *pergunnah* division may exist, the lands within such division shall be registered under the head of the *pergunnah*.

The register shall contain a distinct head for each *pergunnah*, or such other local division of lands as may have been established.

Second. The register of each *pergunnah*, (or other local division where there may be no *pergunnah*,) shall be divided into two parts, the one for *malguzaree* lands, or lands assessed for the public revenue; the other for *lakheraj* lands, or lands exempted from the public assessment.

The register of each division shall be divided into two parts, for *malguzaree* and *lakheraj* lands.

What particulars the *malguzaree* part of the register shall contain.

Third. The *malguzaree* part of the register shall comprise the following particulars of all lands within the *pergunnah* paying revenue to Government; to be specified distinctly for each estate situated therein.

1. Name of the estate to which the lands appertain, as entered in the register of estates paying revenue to Government prescribed by Section 2. of this regulation, with a reference to the number under which the estate may have been entered in such register.

2. Name of the proprietor or proprietors of the estate, as also entered in the register of estates prescribed by the above section.

3. A detailed statement of the several villages, portions of villages, or other subdivisions of each estate within the *pergunnah*; with an accurate enumeration of them, for the purpose of being referred to in the register of estates, as provided in Section 41. of this regulation.

4. The *ruckbah*, or measurement, of each village or other subdivision, whenever the same may be ascertainable by public measurements to settle disputes, or otherwise.

5. The gross rents of any village, or other subdivisions, which may have been ascertained by a *khas* collection, attachment, or otherwise.

What particulars the *lakheraj* part of the register shall contain.

Fourth. The *lakheraj* part of the *pergunnah* register shall comprise the following particulars of all lands within the *pergunnah* not paying revenue to Government, to be specified distinctly for each *lakheraj* tenure situated therein.

1. Denomination of the tenure as entered in the register of lands held exempt from the payment of revenue to Government, prescribed by Regulations XXXI. and XXXVI. 1803, with a reference to the number under which the tenure may have been entered in such register.

2. Name of the holder or holders of the tenure, as also entered in the register of exempted lands prescribed by the above regulations.

3. A detailed statement of the several villages, portions of villages, or other subdivisions of each tenure within the *pergunnah*, with an accurate enumeration of them, for the purpose of being referred to in the register of exempted lands, as provided in Section 41. of this regulation.

4. The *ruckbah*, or measurement of each village, or other subdivision, wherever the same may have been reported by the holders of *lakheraj* tenures, under the requisitions contained in the regulations above mentioned, or may be otherwise ascertainable.

5. The gross rents of any village or other subdivision, the gross produce of which may have been ascertained.

At what periods the general *pergunnah* registers are to be prepared, and how to be numbered.

XXXIII. The first general *pergunnah* register shall be prepared for the Fussily year 1215, and shall exhibit the required particulars respecting the *malguzaree* and *lakheraj* lands in the several *pergunnahs*, as they stood at the commencement of that year, so as to correspond with the periodical register of estates paying revenue to Government No. 2, and the periodical register of lands held exempt from the payment of revenue No. 2, which, by the regulations above referred to, are ordered to commence with the Fussily year 1215. This original *pergunnah* register shall be numbered One. A similar general *pergunnah* register shall be prepared at the commencement of the Fussily year 1220, to be numbered Two; and thereafter at the commencement of every fifth succeeding year, to be numbered in the order in which it may be formed.

Intermediate *pergunnah* registers shall be kept for recording all alterations between the periods prescribed for forming the general registers.

XXXIV. For the purpose of recording any alterations in the particulars required to be entered in the periodical *pergunnah* registers, which may take place during the interval of five years, the period prescribed for the formation of them, an intermediate *pergunnah* register shall be kept, under the same heads as directed for the general registers, in which all *pergunnah* annexations or separations, all divisions or transfers of estates, all new information obtained respecting the measurement or rents of land, all resumptions of *lakheraj* exemptions, and generally all alterations in any of the particulars required to be entered in the *pergunnah* register of lands, *malguzaree* and *lakheraj*, shall be duly recorded, as soon as possible after such alterations may have taken place; with a note of reference to such parts of the last formed quinquennial register as may be affected thereby. Provided, however, with respect to all transfers or divisions of estates in which an allotment of the public assessment may be necessary, under the rules prescribed in Section 37, Regulation XXV. 1803, or any other

Provision respecting cases wherein an allotment of the assessment may be necessary.

other regulation, that no such transfer or division shall be registered, until the assessment has been allotted, as required by the regulations; nor shall any entry in the *pergunnah* register be considered to affect the rights of Government, either with regard to lands assessed with the public revenue, or the lands held exempt from such assessment.

No entry in the register shall affect the rights of Government.

XXXV. The Board of Revenue shall furnish the collectors of the several *zillahs* with a form for the *pergunnah* register, directed to be formed by Section 33. of this regulation, which shall be kept in the Persian language only, by the keepers of the native records appointed under Regulation XXXIII. 1803, with the assistance of such other native officers as may be appointed for this purpose. The collectors shall attest every page of the register prepared by them, after ascertaining that it is accurate, and are to cause the periodical register to be bound up, as soon as completed, in a volume or volumes of uniform dimensions, each leaf of which, having been previously paged, shall be signed by the *zillah* judge, with a specification, on the last leaf of each volume, of the total number of pages contained in it, in the handwriting of the judge, as prescribed by the existing regulations with respect to the other registers thereby required. The intermediate register shall also be bound up, paged, and attested at the end of every Fussily year, in the same manner as above directed with regard to the quinquennial register; and the collectors are enjoined to be careful, that the intermediate register be at no time allowed to fall in arrear.

The Board of Revenue are to furnish the collectors with forms of the registers. In what language and by whom the registers are to be kept, and how to be attested.

XXXVI. The *pergunnah* register, to commence with the Fussily year 1215, shall be prepared from the papers which shall be furnished by the proprietors and farmers of lands paying revenue, or by the holders of land exempt from the payment of revenue, for the registers of these lands respectively, required to be kept by Regulations XXXI. and XXXVI. 1803, and by Section 2. of this regulation; as well as from any other materials which may be procured for the quinquennial registers of estates paying revenue, and the periodical registers of exempted lands, directed to be prepared at the commencement of the Fussily year 1215. Whatever further papers or information may be requisite for the exact ascertainment of portions of estates situated within different *pergunnahs*, or the precise number and names of villages appertaining to the several estates in each *pergunnah*; or for the purpose of ascertaining any of the particulars to be specified under the three first heads of the *malguzaree* part of the *pergunnah* register, or the four first heads of the *lakheraj* part of the register, as stated in clauses third and fourth, of Section 32. of this regulation, the collectors are authorised to require the same from the proprietors, farmers, and under-tenants of *malguzaree* lands, or from the holders of *lakheraj* lands, in the same manner as they are authorised by the regulations above mentioned to require from such persons any information which may be necessary to enable them to form the registers therein prescribed; and under the same penalties for non-compliance. But the collectors shall not require from the proprietors or farmers of *malguzaree* lands, or from their under-tenants, any papers or information respecting the measurement or rents of such lands; nor from the holders of *lakheraj* lands any papers or information respecting the rents of lands of this description, for the purpose of entering the same in the *pergunnah* register; it being intended only, that the measurement and rents of *malguzaree* lands, and the rents of *lakheraj* lands, should be entered in the register, when the same may be ascertained by public measurements, *khas* collections, attachments, or such other occasional means as may furnish the necessary information for completing these subsidiary heads of the *pergunnah* register, which are to be left blank until such information may be obtained.

From what materials the general registers are to be prepared, and how the materials, not already received, are to be procured.

The collectors are not to require information respecting the rents or measurement of *malguzaree* or the rents of *lakheraj* lands.

How such information is to be procured.

XXXVII. The information required to be furnished for the register of intermediate mutations in landed property, and the register of intermediate resumptions, or other occurrences respecting grants of exempted lands, will furnish the collectors with the principal materials for the intermediate *pergunnah* register prescribed by Section 34. Whatever further information may be requisite, the collectors are authorized to require the same, under the provisions and restrictions specified in the preceding section.

From what materials the intermediate registers are to be formed, and how any further information is to be procured.

XXXVIII. The general register for the Fussily year 1215, and subsequent intermediate register, if duly kept up, must furnish the collectors with full materials for the quinquennial *pergunnah* register to be prepared in the year 1220, and at every future period. They will also be careful to avail themselves of any occasional means of authentic information from public measurements, attachments, or otherwise; and it is expected that, in the course of

What measures the collectors are to take to render their general registers complete.

 time,

time, their *pergunnah* registers will contain an accurate statement of the lands and rents throughout their respective districts. To promote the former object, they are further directed to note the boundaries of villages, or other subdivisions, whenever the same may be ascertained; and also, as far as practicable, the limits of the *pergunnahs* (or other local divisions where there may be no *pergunnahs*) within their respective *zillahs*. No change in the existing limits of *pergunnahs*, or in the *mohauls* composing them, shall be made by the collectors, without the sanction of the Governor General in Council; but, if any collector should judge it expedient to alter the existing boundaries of a *pergunnah*, for the purpose of rendering it more compact, or otherwise, or to separate any village, *talook*, or other *mohaul* from the *pergunnah* to which it may be now attached, and annex it to any other *pergunnah*, he shall state his reasons at large for such alterations to the Board of Revenue, who will submit the same to the Governor General in Council, with their opinion upon the expediency of the alterations proposed, for his determination. Provided that whenever any such *pergunnah* separation, or annexation, may take place, it shall in no respect affect the rights of the proprietor or occupant of any village, *talook*, or other *mohaul*, included therein; and provided further, that the above restriction against the alteration of existing *pergunnahs*, without the sanction of the Governor General in Council, shall not be considered to preclude the collector from reannexing to their proper *pergunnah* any *mohauls* which may have been separated therefrom by the landholders since the commencement of the Fussily year 129, and formed into separate *turufs* or otherwise.

No change in the existing limits of *pergunnahs*, &c. to be made without the previous sanction of Government.

The above rule not to preclude the collectors from re-annexing *mohauls* separated since 1209.

XXXIX. Whenever any lands may be ordered to be separated from one *zillah* and annexed to another, the collector of the *zillah* from which the separation may be made, shall transmit to the collector of the *zillah* to which the annexation is to be made, an attested copy of all entries, relative to the lands transferred in the last formed quinquennial *pergunnah* register, as well as any entries relative thereto in the subsequent intermediate register, together with any other information which may have been obtained respecting such lands. These documents will enable the collector of the *zillah*, to which the lands may be annexed, to make the necessary entry of them in his intermediate *pergunnah* register, as well as in the new general register which may be prepared by him.

Copies of entries in the registers, to be sent by one collector to the other, in the case of lands separated from one *zillah*, and annexed to another.

XL. Whenever any new village may be established upon lands paying revenue to Government, the name of which shall not have been included in the list of villages delivered to the collectors for the purpose of preparing the prescribed registers of these lands, the proprietor of the estate in which such new village may be situated, or the farmer, if the estate be let in farm by Government, or the *serberahkar* or *khas* officer, who may have the management of the estate, if it be a *serberahkaree* or *khas mohaul*, shall give notice to the collector, immediately on the establishment of such new village, that the same may be entered in the public registers. In default thereof, or in the event of its appearing that any village, or other portion of an estate, subject to the payment of revenue, has been wilfully omitted in the village statements which the collectors are authorized to require, for the purpose of preparing the public registers, the village, or other portion of an estate so wilfully omitted, shall be liable to forfeiture to Government, if the statement which ought to have contained it shall have been furnished by the proprietor; or if furnished by a farmer, *serberahkar*, *sezawul*, or other officer, the person who may have furnished the same shall be liable to a fine to Government, in such amount as the Governor General in Council, on consideration of the circumstances of the case, may think proper to impose. The collectors shall report all cases of this nature to the Board of Revenue, who shall submit the same, with their sentiments, for the determination of the Governor General in Council.

Notice to be given to the collectors of the establishment of new villages under certain penalties.

XLI. That the collectors may be regularly informed of all future changes in the property of *malguzaree* estates, or *lakheraj* tenures, within their respective *zillahs*, for the purpose of entering the same in the prescribed registers, all persons succeeding to the property of any *malguzaree* estate, or *lakheraj* tenure, whether by inheritance, purchase, gift, or otherwise, are required to notify such succession, immediately after the same may have taken place, to the collector of the *zillah* in which the estates, or tenure, succeeded to, may be situated; and to furnish such information as may be necessary to enable the collector to make the prescribed entries in the public registers. The collectors, on receiving notification, shall make such inquiry as may appear necessary to ascertain the truth of the

Notice to be given to the collector by all persons succeeding to landed property by inheritance or otherwise.

Collector to inquire into the truth of such allegation.

the alleged succession to, or transfer of the property; and if the same shall appear to have taken place, shall make the requisite entries in the intermediate *pergunnah* register, in the intermediate register of mutations in lands paying revenue, and the intermediate register of occurrences respecting lands held exempt from the payment of revenue; provided, with regard to all such entries, that they shall not in any degree affect the rights of any party whose name may be registered therein as the ostensible proprietor of the land, or whose name may not have been registered as the proprietor, but who may establish a right of property in the court of *adawlut*, or otherwise. Any person succeeding to the property of a *malguzaree* estate, or *lakheraj* tenure, who may not give the notification above required to the collector; or any person who may wilfully misrepresent to the collector his having succeeded to the property of an estate, or tenure, to which, on inquiry, it may appear he has not succeeded, shall, for such omission or misrepresentation, be liable to a fine to Government, to be fixed by the Governor General in Council, on a report from the collector, through the Board of Revenue, of the nature and circumstances of the case. When the persons succeeding to the estate, or tenure, may be a minor, or otherwise disqualified from giving the notice required, his guardian, or whoever may act for him in the management of the estate, or tenure, succeeded to, shall give the information required, under the prescribed penalty.

Penalty for neglect of giving such notice, or wilful misrepresentation in giving it.

XLII. A sufficient number of native officers shall be appointed to assist the native record keepers, appointed under Regulation XXIII. 1803, in keeping the *pergunnah* register prescribed by Section 31. of this regulation; as well as the Persian counterparts of the registers of estate paying revenue to Government, directed to be formed by Section 2. of the present regulation, and of lands exempted from the payment of revenue, prescribed by Regulations XXXI. and XXXVI. 1803. The collectors shall furnish the Board of Revenue with a statement of the additional establishments of native officers which they may consider indispensably necessary to enable them to perform the duties above mentioned, and of the allowances proposed to be granted to such officers respectively. The collectors shall, at the same time, report to the Board of Revenue, what parts of their present establishments can be appropriated to the payment of such allowances; and whether they would recommend any of the native officers, now acting under them, to be employed as proposed. The collectors will also report, whether any and what number of native writers will be required to prepare the English registers of estates paying revenue, and lands exempted from the payment of revenue, in addition to their assistants, who are to be employed upon this duty as far as their other business will permit; and it is expected, that the collectors themselves will give constant attention to the English registers, for all entries in which they are declared responsible; particularly to the register of intermediate mutations, resumptions, and other occurrences, in which the utmost accuracy is essentially necessary; and the transactions entered in which being occasional only, the entries can be easily made by the collectors themselves in the original registers.

Collectors to propose officers to assist in the preparation of the registers directed to be kept by this regulation, and by Regulations XXXI. and XXXVI. 1803; with a statement of the allowances deemed necessary for them.

Also to report what parts of their present establishments may be appropriated to the payment of such allowances; and what additional native writers will be necessary for the English registers.

XLIII. On receipt of the reports required from the collectors by the preceding section, the Board of Revenue shall submit to the Governor General in Council the necessary establishments of native officers for keeping up the several registers prescribed: and if any additions to the present establishments should appear to them indispensably necessary for the purpose, they will state the same to the Governor General in Council, for his determination. The officers appointed or who may be hereafter appointed for the purposes specified in the preceding section, shall not be removable without proof of misconduct, to the satisfaction of the Governor General in Council. They shall be exclusively employed in preparing and copying the prescribed registers, whilst any part of this shall be in arrear; and, after completing the register directed to be prepared from the commencement of the Fussily year 1215, shall with the least possible delay complete the registers in arrear for former years; but the preparation of the current registers shall not be delayed for those of former years.

Board of Revenue to submit the necessary establishments to Government.

Rules respecting the removal of officers appointed for this duty, and how they are to be employed.

XLIV. No part of this regulation shall be considered to preclude any person, who may deem himself entitled to any estate, or portion of an estate, paying revenue to Government, which may be entered in the periodical register, or the register of intermediate mutations, as the property of any other person or persons, from suing for the same in the court of *adawlut*, in which the claim may be cognizable.

All persons at liberty to sue for any landed property registered in the name of another.

A. D. 1808. REGULATION VII.

A REGULATION *for completing the Registers of Lands, held free of Assessment in the ceded and conquered Provinces in the Dooab, and on the left Bank of the River Jumna, and in the Territory ceded by his Highness the Peishwah to the British Government in Bundlecund.*—PASSED *by the Governor General in Council, on the 16th September* 1808; *corresponding with the 2d Assin* 1215 *Bengal era; the 12th Assin* 1216 *Fussily; the 2d Assin* 1216 *Willaity; the* 11*th Assin* 1865 *Sumbut; and the* 24*th Rajub* 1223 *Higeree.*

Preamble.

WHEREAS it is enacted in Section 20, Regulation XXXI. and Section 20, Regulation XXXVI. 1803; and in Sections 21. and 24, Regulation VIII. 1805, that publications shall be issued, requiring all persons holding lands exempt from the payment of revenue to Government to register the same, on pain, in case of neglect to make such registry, of the lands being declared liable to the payment of revenue to Government; And whereas it has been reported to the Governor General in Council, that the publications above mentioned have not in many instances been issued according to the prescribed forms, the following rules have been enacted, to be in force from the time of their promulgation in the ceded and conquered provinces in the Dooab, and on the left bank of the river Jumna, and in the territory ceded by his Highness the Peishwah to the British Government in Bundlecund.

Collectors to issue publications contained in Regulations XXXI. and XXXVI. 1803, and in Regulation VIII. 1805.

II. On receipt of this regulation, the collectors are required to issue the publications directed in Section 20, Regulation XXXI. Section 20, Regulation XXXVI. 1803, and in Sections 21. and 24, Regulation VIII. 1805, in the form therein prescribed, requiring all persons holding lands exempt from the payment of revenue to Government, to register such lands within the period of one year from the date of the publications.

Lands held free of assessment, if omitted to be registered within one year, declared liable to the payment of revenue.

III. After the term of one year from the date of the publications directed to be issued in the preceding section, any lands held free of assessment which may have been omitted to be registered, are hereby declared liable to the payment of revenue to Government.

A. D. 1793. REGULATION VIII.

SECTION LXII.

Rules regarding putwarees.

*LXII**. First. *The annual revenue to be paid to Government, from the estates of the proprietors of land with whom a settlement has been or may be concluded, having been declared fixed for ever; and courts of justice having been established, with powers to protect them against all demands exceeding that fixed revenue, whether made by the officers of Government or other persons, or by the authority of Government itself; and on the other hand, the grounds on which deductions and abatements were heretofore occasionally obtained by proprietors of estates when their* jumma *was liable to frequent variation no longer existing; neither their rights, nor the value of their property, can be affected in future by the real produce of their estates being known. The rules, therefore, hereafter prescribed regarding* putwarees, *which are framed solely to facilitate the decision of suits in the courts of judicature, between proprietors and farmers of lands and persons paying rent or revenue to them, and to guard against any diminution of the fixed revenue of Government, or injustice to individuals, by enabling the collectors to procure the necessary information and accounts for allotting the public* jumma *upon estates that may be divided, agreeably to the principles prescribed in Regulation I.* 1793, *can be objected to by those proprietors only, who may have it in contemplation, in the event of the division or transfer of a portion of their estates, to deprive Government of a part of the fixed revenue, or defraud some of the partners in their estates, by obtaining a disproportionate allotment of the public assessment on the several shares; or to oppress the persons paying rent or revenue to them with impunity, by withholding from the courts of justice, the documents necessary to enable them to afford redress to the complainants. It being essential to the security of the public revenue, as well as of private rights and property, and at the same time consistent with the ancient usages of the country, and the declarations in the proclamation announcing the public assessment on the lands fixed for ever, that Government should have the means of counteracting such unjustifiable views, the following rules have been adopted:*

Proprietors to appoint a putwaree *to keep the accounts of each village.*

Second. *Every proprietor of land, who may have not established a* putwaree *in each village in his or her estate, to keep the accounts of the* ryots, *as required by the original rules for the decennial settlement of the three provinces, shall immediately appoint a* putwaree *in each village for that purpose. All proprietors of estates are to deposit in the* dewanny adawlut *of the* zillah, *the collector's* cutcherree, *and the principal* cutcherree *in each* mohaul *or* pergunnah, *a list of the* putwarees *in their respective estates, and the names of the villages, the accounts of which they may be severally appointed to keep. The proprietors are to notify, every three months, to the court and the collector, all vacancies that may occur, and the names of the persons whom they may appoint to fill them. The Board of Revenue are empowered to authorize any proprietor to reduce the number of* putwarees *in such proportion as they may think proper, in cases in which it may appear to them unnecessary to entertain a separate* putwaree *for each village.*

Board of Revenue may authorise proprietors to reduce the number of putwarees.

Putwarees *to produce all accounts required by the courts of judicature.*

Third. *The* putwarees *in every estate, are to produce all accounts relating to the lands, produce, collections, and charges of the village or villages, the accounts of which may be kept by them respectively, and to furnish every information and explanation that may be required regarding them, whenever they may be required by any court of justice to adjust*

* The whole of this section is rescinded by Section 2, Regulation XII. 1817.

(only in so far as regards the Ceded & Conquered Provinces & other divisions of the country mentioned in Sects. 1 of Reg. XII of 1817 By the R. Not of Mently received in Bengal) this Sect was not rescinded till Secs. 1 of Reg I of 1819 in certain districts in Bengal, on which Reg I 1819 Sec IV for the rest of the Province.

and also for allotment of the public revenue in the cases herein specified, when required by the collector.

Cases in which the collectors are prohibited requiring accounts from putwarees, *and*

adjust any suit that may be depending before the court between the proprietor or farmer of the estate, and the ryots, *or any persons paying rent or revenue to them, or any other suit.*

Fourth. *The* putwarees *in each estate, shall also produce the accounts specified in the preceding clause, and furnish every explanation and information that may be required respecting them, for the allotment of the public revenue, agreeably to the principles laid down in Regulation I.* 1793, *in the event of the whole or any portion of the estates being directed to be disposed of at public sale, or being transferred by any private act of the proprietor or proprietors, or of the estate being ordered to be divided pursuant to a decree of a court of judicature, or, where it may be a joint estate, in consequence of a request of one or more of the proprietors. But no collector is to require a* putwaree *to attend him, and produce his accounts, but for the purposes above mentioned, or in any other cases, in which they may be expressly empowered to require them, by any regulation printed and published in the manner directed in Regulation XLI.* 1793. *If any collector shall require the* putwaree *of any village or villages to attend him, and produce the village accounts for purposes, or in cases in which he may not be authorized to inspect them, the court of* dewanny adawlut, *upon the circumstances being represented to it by the proprietor of the estate, is empowered to make an order to prohibit the collector requiring the accounts, and in the event of his repeating the requisition, to adjudge him to pay a fine to the proprietor of the estate of such sum as to the court may appear proper, and to levy the fine in the mode in which the courts are empowered to levy fines from the collectors in the suits described in Section* 33, *Regulation XIV.* 1793.

penalty for breach of the prohibition.

How the collectors and the courts are to compel the attendance of putwarees.

Fifth. *When a collector shall require the attendance of a* putwaree *for the examination of his accounts, either before him, or any officer whom he may depute for the purpose, he is to serve such* putwaree *with a written notice under his official signature and the seal of the* zillah, *to attend with the accounts required, which are to be particularized in the notice. If he shall omit to attend with the accounts by the limited time, and shall not show good cause to the collector for the omission, the collector is authorized to represent the circumstances through the* vakeel *of Government to the court of* dewanny adawlut *of the* zillah, *the judge of which, provided there shall appear to him sufficient cause for so doing, may order such* putwaree *to be committed to close custody until he produces the accounts. The court are to observe the same process with* putwarees, *who may omit to attend with their accounts when required for the adjustment of any matter or dispute depending before the courts.*

Putwarees *may be required to swear to the truth of their accounts.*

Sixth. Putwarees *shall be required to swear to the truth of the accounts they may produce when deemed necessary, and in the event of the collector having occasion to proceed in person, or to depute an officer to examine any village accounts on the spot, the judge, upon application being made to him for that purpose by the collector, through the* vakeel *of Government, may grant to him or to such officer, a commission to swear the several* putwarees *whose accounts are to be inspected, inserting in the commission the name of each* putwaree *to be sworn. If the collector shall have occasion to examine the accounts of a* putwaree, *at the station at which the court may be established, he is to cause him to be sworn before the court, if he shall judge it necessary to require him to make oath to the truth of his accounts.*

Putwarees *liable to be prosecuted criminally for swearing to false accounts in a court of judicature.*

Seventh. *If a* putwaree *shall have sworn to the truth of any account that he may have been required to produce before a court of justice, for the purpose of deciding any matter before the court, and the accounts shall afterwards be found to have been fabricated, or altered, or not to be the true accounts, the judge of the court is empowered to commit him to be tried for perjury before the court of circuit.*

Or before a collector.

Eighth. *If a* putwaree *shall have been sworn before a judge, or before a collector, or the officer of a collector, to any accounts that he may have been required to produce before the collector, or his officer, in a case in which the collector may have been empowered to require him to produce such accounts, and the account shall afterwards appear to have been fabricated or altered, or not to be the true accounts, the collector is empowered to*

to employ the vakeel *of Government to prosecute such* putwaree *for perjury. In the cases specified in this and the preceding clause, if it shall be proved to the satisfaction of the court that the accounts were fabricated, altered, or changed, by the orders, or, with the knowledge or connivance, of the proprietor or farmer of the estate, the court shall impose such fine upon the proprietor or farmer so offending, as may appear to it proper, upon a consideration of the case, and the situation and circumstances of the offender.*

Punishment for proprietors or farmers concerned in falsifying the accounts.

Ninth. *Upon the accounts of any village being ordered to be produced, if it shall be found that no* putwaree *has been appointed to keep the accounts of the* ryots, *in conformity to the rules prescribed in clause second, the court, provided it be a case in which the requisition of the accounts may be authorized, shall fine the proprietor for the first offence, in such sum as it may judge proper, upon a consideration of his or her situation and circumstances, and the nature of the case; and for the second offence, twice the amount of the fine for the first; and for the third and every subsequent offence, double the amount of the fine for the preceding one. If the accounts shall have been required by the collector, he is to order the* vakeel *of Government to sue the proprietor on the part of Government, under this section, for a breach of the rule in clause second.*

How proprietors omitting to appoint putwarees *are to be proceeded against.*

Tenth. *The rules contained in this section, are hereby declared equally applicable to dependant* talooks, *as to estates paying revenue immediately to Government.*

Above rules regarding putwarees *applicable also to dependant* talooks.

A. D. 1803. REGULATION XXIX.

A REGULATION *for defining the Duties of the Putwarees, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*—PASSED *by the Governor General in Council, on the 24th March* 1803; *corresponding with* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1210 *Fussily; the* 12*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaud* 1217 *Higeree.*

Preamble.

WHEREAS *the landholders and farmers, in the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier, with whom a triennial settlement of the land revenue was concluded in the Fussily year* 1210, *under the conditions published by the Honorable the late Lieutenant Governor and the Board of Commissioners on the* 14*th July* 1802, *and recapitulated in Section* 53. *of Regulation XXVII.* 1803, *have engaged, by their* caboolcats, *to produce to the officers of Government the real and authentic papers and accounts of their estates and farms, without reserve or concealment, for the purpose of determining the amount of the assessment to be fixed on their estates and farms, at the expiration of the Fussily years* 1212 *and* 1215, *respectively; and whereas the actual accounts of rent demandable from, and paid by, the* ryots, *or other under-tenants, may be required to facilitate the decision of suits in the courts of judicature, between proprietors and farmers of lands and persons paying rent to them, as well as to guard against any diminution of the revenue payable to Government, or injustice to individuals, by enabling the collectors to obtain the necessary information for allotting the public assessment upon estates that may be divided, agreeably to the principles prescribed in Regulation XXV.* 1803; *and whereas the establishment of courts of judicature, with powers to protect the landholders and farmers against all demands for revenues beyond the amount specified in their engagements, has removed every just ground of objection which they could entertain to the production of such accounts, when required for the purposes stated: the following rules have been enacted, to be in force from the period of the promulgation of this regulation.*

Every proprietor and farmer, (with the exception specified in Section 4.) to appoint a putwaree *to keep the accounts in each village.*

II. First. *Every proprietor and farmer of land, (with the exception specified in Section 4. of this regulation,) who may not have established a* putwaree *in each village, in his or her estate or farm, to keep an exact account of the lands, tenants, and rents thereof, shall immediately appoint a* putwaree *in each village for that purpose. All proprietors and farmers of land are to deposit in the* sillah *court of* adawlut, *in the collector's* cutcherree, *and in the principal* cutcherree *in each* mohaul *or* pergunnah, *a list of the* putwarees *in their respective estates, or farms, and the names of the villages, the accounts of which they may be severally appointed to keep. The proprietors and farmers are to notify, every three months, to the court and the collector, all vacancies which may occur, and the names of the persons whom they may appoint to fill them.* * *The Board of Revenue are empowered to authorize any proprietor or farmer to reduce the number of* putwarees, *in such proportion as they may think proper, in cases in which it may appear to them unnecessary to entertain a separate* putwaree *for each village.*

The Board of Revenue may authorize proprietors and farmers to reduce the number of putwarees.

* The whole of this regulation is rescinded by Section 2, Regulation XII. 1817.

Second.

Putwarees to produce all accounts required by the courts of judicature;

Second. *The* putwarees *in every estate and farm shall produce all accounts relating to the lands, produce, rents, collections, and charges, of the village or villages, the accounts of which may be kept by them respectively, and to furnish every information and explanation regarding them, whenever they may be required, by any court of justice, to adjust any suit which may be depending before the court between the proprietor or farmer of the estate, and the* ryots, *or other persons paying rent to them, or for the adjustment of any other suit whatever.*

and also for the allotment of the public revenue, in the cases herein specified, when required by the collectors.

Third. *The* putwarees *in such estate and farm shall also produce the accounts specified in the preceding clause, and furnish every explanation and information that may be required respecting them, for the allotment of the public revenue, agreeably to the principles laid down in Regulation XXV.* 1803, *in the event of the whole or any portion of the estates being directed to be disposed of at public sale, or being transferred by any private act of the proprietor or proprietors, or of the estate being ordered to be divided pursuant to a decree of a court of judicature, or, where it may be a joint estate, in consequence of the request of one or more of the proprietors. The* putwarees *shall also obey all requisitions from the collectors for the accounts kept by them, and for any information relative thereto, in the cases of attachment provided for by clause fourth, of Section* 15, *Regulation XXVII.* 1803; *as well as in all cases of a* khas *collection by the* tehsildar, *or other officer of Government; and in the instances noticed in the preamble to this regulation, wherein the landholders and farmers have engaged to produce the accounts of their estates and farms, for the purpose of ascertaining the proper assessment to be hereafter fixed thereupon.*

Other cases in which the putwarees *are to produce the accounts required of them.*

But no collector is to require a putwaree *to attend him, and produce his accounts, except for the purposes above mentioned, or in any other cases in which they may be expressly empowered to require them, by any regulation printed and published in the manner directed in Regulation I.* 1803. *If any collector shall require the* putwaree *of any village or villages to attend him, and produce the village accounts, for purposes, or in cases, in which he may not be authorised to inspect them, the court of* adawlut, *upon the circumstances being represented to it by the proprietor or farmer of the estate, is empowered to make an order to prohibit the collector requiring the accounts; and, in the event of his repeating the requisition, to adjudge him to pay a fine, to the proprietor or farmer of the estate, of such sum as to the court may appear proper, and to levy the fine in the mode in which the courts are empowered to levy fines from the collectors in the suits described in Section* 36, *Regulation XXVII.* 1803.

Cases in which the collector is prohibited requiring accounts from putwarees, *and*

penalty for breach of the prohibition.

How the collector and the courts are to compel the attendance of putwarees.

Fourth. *When a collector shall require the attendance of a* putwaree, *for the examination of his accounts, either before him, or before any officer whom he may depute for the purpose, he is to serve such* putwaree *with a written notice, under his official signature, and the seal of the* zillah, *to attend with the accounts required, which are to be particularized in the notice. If the* putwaree *shall omit to attend with the accounts, by the limited time, and shall not show good cause to the collector for the omission, the collector is authorized to represent the circumstances, through the* vakeel *of Government, to the court of* adawlut *of the* zillah; *the judge of which, provided there shall appear to him sufficient cause for so doing, may order such* putwaree *to be committed to close custody, until he produces the accounts. The court are to observe the same process with* putwarees *who may omit to attend with their accounts, when required, for the adjustment of any matter or dispute depending before the courts.*

Putwarees shall be required to swear to the truth of their accounts.

Fifth. Putwarees *shall be required to swear to the truth of the accounts they may produce, when deemed necessary; and, in the event of the collector having occasion to proceed in person, or to depute an officer, to examine any village accounts on the spot, the judge, upon application being made to him for that purpose by the collector, through the* vakeel *of Government, may grant him, or to such officer, a commission to swear the several* putwarees *whose accounts are to be inspected, inserting in the commission the name of each* putwaree *to be sworn. If the collector shall have occasion to examine the accounts of a* putwaree *at the station at which the court may be established, he is to cause him to be sworn before the court, if he shall judge it necessary to require him to make oath to the truth of his accounts.*

Sixth.

Sixth. *If a* putwaree *shall have sworn to the truth of any accounts which he may have been required to produce before a court of justice, for the purpose of deciding any matter before the court, and the accounts shall afterwards be found to have been fabricated, or altered, or not to be the true accounts, the judge of the court is empowered to order the immediate dismission from office of the* putwaree *so offending, and to commit him to be tried for perjury before the court of circuit.*

Putwarees liable to be dismissed from office, and to be prosecuted criminally, for swearing to false accounts in a court of judicature;

Seventh. *If a* putwaree *shall have been sworn before a judge, or before a collector, or the officer of a collector, to any accounts which he may have been required to produce before the collector, or his officer, in a case in which the collector may have been empowered to require him to produce such accounts, and the accounts shall afterwards appear to have been fabricated, or altered, or not to be the true accounts, the collector is empowered to employ the* vakeel *of Government to prosecute such* putwaree *for perjury; and if it appear to the* zillah *magistrate, that there is sufficient ground for the charge, he shall, at the time of committing the offender for trial before the court of circuit, order his immediate dismission from office. In the cases specified in this and the preceding clause, if it shall be proved, to the satisfaction of the court of circuit, that the accounts were fabricated, altered, or changed, by the orders, or with the knowledge, or connivance, of the proprietor or farmer of the estate, the court shall impose such fine upon the proprietor or farmer so offending, as may appear to it proper, upon a consideration of the case, and the situation and circumstances of the offender: and whenever a* putwaree *shall be dismissed, under this regulation, from the service of the party employing him, such party shall be positively prohibited from again employing the offender, under whatever penalty the court dismissing him may judge it proper to fix, on consideration of the circumstances of the case.*

or before the collector, or his officer.

Punishment for proprietors or farmers concerned in falsifying the accounts.

Eighth. *Upon the accounts of any village being ordered to be produced, if it shall be found that no* putwaree *has been appointed, in conformity to the rule prescribed in clause first of this section, and it be a case in which the requisition of the accounts is authorized, the* zillah *court shall fine the proprietor, or farmer, for the first offence, in such sum as it may judge proper, upon a consideration of his or her situation and circumstances, and the nature of the case; for the second offence, twice the amount of the fine for the first; and for the third and every subsequent offence, double the amount of the fine for the preceding one. If the accounts shall have been required by the collector, he is to order the* vakeel *of Government to sue the proprietor, or farmer, on the part of Government, under this section, for a breach of the rule in clause first.*

How proprietors or farmers, omitting to appoint putwarees, *are to be proceeded against.*

III. First. *The rules contained in the preceding section are hereby declared equally applicable to dependant* talooks, *as to estates paying revenue, through the channel of a* tehsildar, *or immediately to Government.*

The rules contained in the preceding section declared applicable to dependant talooks.

Second. *All the rules prescribed in this regulation, respecting village* putwarees, *are further hereby declared to be applicable to all other descriptions of native agents employed by the landholders and farmers in the management of their estates and farms; as in keeping any accounts of their lands, rents, receipts, or disbursements. If any such agent shall be convicted in the* zillah *court of having collusively fabricated or altered the accounts delivered by him, or of having wilfully delivered any other than the true accounts, the offender, besides the punishment for perjury to which he will be liable under clause sixth and seventh, of Section 2, of this regulation, shall be subject to dismission from the service of the party employing him, by order of the court; and such party shall be positively prohibited from again employing the offender, under whatever penalty the court may think proper to fix, upon consideration of the circumstances of the case.*

and to all native agents employed by landholders in the management of their estates.

Punishment for any native agent convicted of altering accounts, or not delivering the true ones.

IV. *Nothing contained in this regulation shall, however, be understood to require the proprietors or farmers of small estates, who may superintend their own lands or farms, and who shall be unable to afford the expenses of a* putwaree, *to appoint officers of this description, for the purposes mentioned in Section 2; but, in such cases, the proprietors and farmers themselves, when required, are to furnish the accounts and information specified in that section, in like manner as the* putwarees *are required to furnish the same, and under the same provisions.*

Nothing in this regulation to be understood as extending to small estates managed by the proprietors.

A. D. 1817. REGULATION XII.

A REGULATION *for securing the better Administration of the Office of Putwaree in the ceded and conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Puttaspore, and its Dependencies.*—PASSED *by the Vice-President in Council, on the 12th August* 1817; *corresponding with the 29th Sawun* 1224 *Bengal era; the 15th Sawun* 1224 *Fussily; the 30th Sawun* 1224 *Willality; the 15th Sawun* 1874 *Sumbut; and the 28th Ramzan* 1232 *Higeree.*

Preamble.

THE existing regulations regarding *putwarees* have been found to be in many respects defective, and great difficulties and delays have consequently been experienced in the division of estates the adjustment of the revenue to be assessed on their respective shares, the investigation of summary and other suits for rents, the decision of disputes relating to the limits of estates and villages, and the execution of decrees of the courts of judicature, in regard to the possession and property of land; the reform of the office appears therefore to be an object of the highest importance: but as for the full attainment of that object, the establishment of *pergunnah canoongoes* is also requisite, it is deemed advisable to confine the operation of the rules to be enacted for the above purpose, to those parts of the country in which *canoongoes* are already established, or in which arrangements are in progress for the revival and organization of that office.—The following rules have therefore been enacted, to be in force from the date of their promulgation, throughout the ceded and conquered provinces, the provinces of Behar and Benares, the district of Cuttack, the *pergunnah* of Puttaspore, and the several *pergunnahs* dependant on it.

Such of the regulations in force, as relate to the appointment of *putwarees* in certain divisions of the country, rescinded.

II. Section 62, Regulation VIII. 1793, Section 3, Regulation IV. 1794, Section 9, Regulation XXVII. 1795, and Regulation XXIX. 1803, and such parts of clause 4, Section 23, Regulation VII. 1799, Section 25, Regulation V. 1800, Section 8, Regulation I. 1801, as refer to the appointment of *putwarees*, are hereby rescinded in so far as regards the abovementioned divisions of the country.

Every village to have a separate *putwaree*, unless where otherwise directed by the superintending revenue authorities.

III. Every village paying or liable to pay the public revenue, shall have a separate *putwaree*, except in cases where the Board of Revenue or other authority exercising the power of that Board shall, in consideration of former usage or other sufficient cause, authorize one *putwaree* to do the duty of two or more villages, or direct two or more *putwarees* to be established in a single village.

Putwarees now in office to be continued in their situations, subject to removal under the rules prescribed by this regulation.

IV. All persons at present holding the office of *putwaree*, are to be continued in their situations, subject to removal under the rules hereinafter prescribed: and all *zemindars* or other proprietors of any village or villages, paying revenue to Government, or farmers engaging with Government for the public revenue, shall within three months from the promulgation of this regulation, transmit to the collector of the district, a statement shewing the name or names of such village and villages, with the name or names of the *putwaree* or *putwarees* of such village or villages.

Zemindars within a limited period to furnish the collectors with the names of villages and of the *putwarees* attached to them.

V. In like manner, where any village or villages paying revenue to Government shall at present have no *putwaree* established therein, the *zemindar* or other landholder or farmer

How *zemindars* or landholders are to pro-

ceed in the nomination of *putwarees* for villages where none have been established.

mer of such village or villages, engaging with Government for the public revenue, shall proceed to nominate a *putwaree* or *putwarees* for such village or villages, and shall report such nomination to the collector of the district within three months of the promulgation of this regulation.

Register of *putwarees* to be prepared by the collectors.

VI. The collectors shall, as soon as practicable, prepare a register of the *putwarees* in their respective districts, shewing the name of each individual, and the village or villages in which he officiates.

Vacancies in the office of *putwaree* to be filled up on the nomination of the *zemindar*, &c.

Which is to be made within one month after vacancy has taken place.

Rules to be observed by the *zemindar*, &c. in the nomination of *putwarees*.

VII. Whenever a vacancy may occur in the office of *putwaree*, such vacancy shall be filled on the nomination of the *zemindar*, or other landholder or farmer, engaging with Government for the public revenue, who is hereby enjoined to report such nomination to the collector of the district, within one month after the vacancy has taken place,—provided however that in such nomination, the *zemindar* or other landholder or farmer shall be generally guided by the custom which may heretofore have prevailed in the village, in respect to the succession of *putwarees*, and shall not deviate therefrom, without previously obtaining the sanction of the collector; and it shall be the duty of the collector carefully to see that this rule is observed, and particularly that the just rights of the inferior *putteedars*, or sharers in joint undivided estates, and of dependant *talookdars*, or other under-tenants of the lands, as connected with the appointment of *putwarees*, are duly maintained.

How the collector is to proceed on receiving the nomination of a *putwaree*.

VIII. On receiving the report of the nomination of a *putwaree*, as directed to be made in the foregoing section, the collector is to insert the name of the party in the register of *putwarees* for his district, unless he shall see good and sufficient ground to object to the person so nominated as disqualified for the office,—in which case, he is immediately to submit his objections to the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares, as the case may be, and the Board, or commissioner, will decide whether the *zemindar* or farmer shall be called upon to nominate another person, or pass such other order on the question, as may appear just and right.

Rules regarding *putwarees* in joint and undivided estates.

IX. The proprietors of joint and undivided estates engaging jointly for the public revenue, shall be considered jointly and severally bound to furnish the collector with the statement required in Section 4, and to nominate a *putwaree* in the mode prescribed in Sections 5, and 7. of this regulation, or to shew sufficient cause for their failing to do so.

Rules regarding *putwarees* in *khas* estates.

X. In estates held *khas*, and in estates under the superintendence of the court of wards, the *putwaree* shall be appointed by the collector.

Penalty in cases of refusal or omission to comply with the prescribed rules.

XI. Should any *zemindar* or other proprietor or farmer, refuse or omit to furnish the statement required by Section 4, or to nominate a *putwaree* in the cases provided for in Sections 5. and 7. of this regulation, within the time prescribed in those sections, and shall fail to shew good cause for such neglect and failure, it shall be competent to the collector, with the approval of the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares, as the case may be, to levy a daily fine upon him, until a *putwaree* is nominated, or with such approval, himself to nominate a qualified person for the office.

Zemindars how to proceed, whenever they may wish to remove a *putwaree* from office.

XII. Whenever a *zemindar* or farmer engaging with Government for the public revenue, may wish to remove a *putwaree* from office, he is to state his reasons for so doing to the collector of the district, who, if they appear good and sufficient, will authorize the removal of the *putwaree*, but not otherwise.

Penalties for removing a *putwaree* from office without authority.

XIII. Any *zemindar* or other landholder or farmer of land, removing a *putwaree* from office, without the authority of the collector, obtained in the mode prescribed in the preceding section, shall be punished by a fine not exceeding fifty rupees for the first offence, and one hundred rupees for the second offence; and if it should appear on investigation by the collector, that the removal was unjust, and without sufficient cause, the said *zemindar* or other landholder or farmer of land, shall be further subject to a daily fine, with the approbation of the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares, but not otherwise, until the *putwaree* be restored.

Putwarees may be removed on sufficient grounds on the representation of the under-tenants.

XIV. Whenever the inferior *putteedars* or sharers, or the *ryots* or under-tenants of a village, may petition the collector for the removal of a *putwaree*, the collector shall direct such removal, and shall call upon the *zemindar* or other landholder or farmer of land

engaging with Government for the public revenue, to appoint another *putwaree*, provided the reasons adduced for praying such removal, appear to the collector good and sufficient, but not otherwise.

Rule of proceeding on occasions when the collector may desire the removal of a *putwaree*.

XV. Whenever a collector shall see ground to desire the removal of a *putwaree* for neglect of duty, or other sufficient cause, he is to state his reasons to the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares, as the case may be, who will authorize the removal or not, as may seem proper.

Specification of duties to be performed by the *putwarees*.

XVI. The duties of the *putwaree* shall be,

1st—To keep such registers and accounts relating to the village or villages to which he is appointed, in such manner and form as has heretofore been the custom, or in such other mode as may be hereafter prescribed by the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares, together with such further registers and accounts as may be directed by those authorities respectively.

2d—To prepare and deliver to the *canoongoe* of the *pergunnah*, at the expiration of every six months, a complete copy of the aforesaid accounts, shewing distinctly the produce of the *khurreef* and *rubbee* harvests.

3d—To perform all other duties and services, which it has been customary for him to execute.

The superintending revenue authorities to determine on the mode of transmitting and recording the *putwarees'* accounts.

XVII. The Board of Revenue, Board of Commissioners, or commissioner in Behar and Benares, will determine on the mode in which the accounts rendered by the *putwaree* to the *canoongoe* shall be brought forward by the latter, and recorded in the office of the collectors.

Rules for the payment of *putwarees*, and for the adjustment of their allowances in certain cases.

XVIII. The *putwaree* is to be paid hereafter in the same mode as he is now paid, whether in money, or in grain, or in land, or in any other legal manner whatsoever; but it shall be the duty of the several collectors to complete an account of the mode in which such payment is made, in the different *purgunnahs* or other local divisions of their districts, and to submit the result of their researches to the Board of Revenue, or other authority exercising the powers of that Board; and it shall be competent to the Board of Revenue, or other authority aforesaid, with the sanction of the Governor General in Council, to increase or reduce the amount of remuneration paid to the *putwarees*, and to alter or modify the mode of its payment, in any case in which sufficient cause for the adoption of such a measure shall exist.

Remuneration to be paid to *putwarees* in villages where none are now appointed.

XIX. Where a *putwaree* has hitherto been appointed, the amount of the remuneration to the *putwaree* who may be appointed under this regulation, and the mode of its payment, shall be regulated by the collector, with reference to the usage of the adjoining villages.

Rule of proceeding in cases where payment of the established remuneration to a *putwaree* may be refused.

XX. If the remuneration which a *putwaree* has heretofore regularly received, or which may be assigned to him by the collector, or other competent revenue authority, be denied to him by the parties who have hitherto paid it, or who may have been directed to pay it by the said authority, he is at liberty to complain against the person so withholding his dues, to the collector, who will proceed to an immediate investigation of the facts, and decide according to the usage of the village; and the collector is hereby authorized to compel payment of the amount due to the *putwaree*, and to fine the offending party according to his situation and circumstances in life, provided always that the fine in no instance exceed fifty rupees.

Collector empowered to compel payment, and to fine the offending party.

The local usage of the *pergunnah* to be reported by the *pergunnah canoongoe*.

XXI. In all cases in which the decision of the collector is to be governed by usage, it shall be made an invariable rule, to insert in the original proceedings on the case, the attested report of the *canoongoes* of the *pergunnah*, as to the custom or usage in reference.

Collector empowered to summon a *putwaree* when necessary.

And to examine him on oath to the truth of his account.

XXII. Collectors of land revenue, are hereby empowered to summon the *putwaree* of any village or villages within their respective districts, whenever there may be occasion for his attendance, on any matter connected with the duties of his office, and to require him to produce all accounts relating to the lands, produce, rents, collections, and charges, of the village or villages, the accounts of which may be kept by him; and to examine him on oath to the truth of such accounts, and on any other matters relating to such accounts, or regarding the lands, produce, rents, collections, and charges, of the village or villages to which the said *putwaree* may belong. When a collector shall require the attendance of a *putwaree*, for

Form of the notice to be used on such occasions.

for the purpose above stated, he is to serve such *putwaree* with a written notice under his official seal and signature, stating the purpose for which his attendance is required, and the papers (if any) which he is to bring with him.

Powers vested in the collector to compel the *putwarees* to produce their accounts.

XXIII. If any *putwaree* shall neglect or omit to produce his original accounts on the requisition of a collector, or to give his evidence respecting them, the collector is hereby authorized and empowered to cause the said *putwaree* to be apprehended, and to order him to be confined in the *dewanny* jail of the district until he produce his accounts, or shew sufficient cause for not producing them. In such cases, the *putwaree* shall be sent by the collector with a *roobukaree* to the judge of the city or *zillah*, stating the purport of the order passed against him; and the judge shall, on those grounds, commit the *putwaree* to jail, and detain him until he produce the accounts, or until the collector applies for his release.

Process to be observed on such occasions.

Putwarees to produce their accounts when required by the courts of justice.

XXIV. In like manner, *putwarees* shall produce all accounts relating to the lands, produce, collections, and charges, of the village or villages, the accounts of which may be kept by them respectively, and furnish every information and explanation that may be required regarding them, whenever they may be required by any court of justice, in any suit that may be depending before the court; and if any *putwaree* shall neglect or omit to attend with his accounts, when required for the adjustment of any matter or dispute depending in court, the courts are authorized to order such *putwaree* to be committed to close custody until he produce the accounts, or shew sufficient cause for not having produced them.

Penalty in cases where a *putwaree* may neglect or omit to attend with his accounts.

Collectors empowered to require the attendance of *putwarees* on officers deputed to examine village accounts.

XXV. In any case in which a collector of land revenue shall have occasion to depute an officer to examine the accounts of any village or villages, he is authorized to require the *putwarees* to attend such officer, and the collector is further empowered to grant to such officer, a commission to swear the several *putwarees* whose accounts are to be inspected, inserting in the commission the name of each *putwaree* to be sworn; and if any such *putwaree* shall neglect or refuse to attend such officer with his accounts, or to give his evidence respecting them, when duly required to do so, by a written notice from the collector, the collector is hereby authorized and empowered to proceed against such *putwaree*, in the same mode as if he had refused or neglected to attend, or to give his evidence before the collector himself.

And to grant a commission to swear *putwarees*.

Penalty in case a *putwaree* shall neglect or refuse to attend on a deputed officer.

Putwarees giving deliberately a false deposition on oath declared guilty of perjury, and on conviction before a court of circuit liable to the prescribed punishment.

And persons causing or procuring a *putwaree* to commit perjury, declared punishable as subornerers of perjury.

Putwarees falsifying or mutilating the village accounts, liable to the prescribed punishment of forgery.

XXVI. Any *putwaree* giving intentionally and deliberately a false deposition on oath, when examined before a collector, or the officer of a collector, duly empowered to take his examination, relative to the lands, produce, collections, and charges, of the village or villages to which he belongs, shall be held and considered guilty of perjury, and shall be liable, on conviction before a court of circuit, to the penalties which are or may be prescribed for that offence in the regulations; and any person causing or procuring a *putwaree* to commit the offence of perjury as above described, is hereby declared guilty of subornation of perjury, and punishable under the provisions of the regulations.

XXVII. In like manner, any *putwaree* who shall alter, fabricate, falsify, or mutilate, the accounts of the village to which he belongs, or shall furnish to the *canoongoe* or collector false, fabricated, or mutilated, copies of those accounts, shall be held and considered guilty of forgery, and shall be liable, on conviction before a court of circuit, to the penalties which are or may be prescribed for that offence in the regulations; and any person who shall cause or procure any such forgery, shall be liable to the same penalties as those convicted of having actually committed the offence.

Certain rules in the existing regulations declared still in force, unless distinctly rescinded, altered, or modified by this regulation.

XXVIII. The several rules in the existing regulations, by which proprietors and farmers of lands sold, or ordered to be sold or divided, or under attachment, are required to attend, or cause their officers to attend, the collectors, or officers deputed by a collector, with the accounts relating to such lands, and by which such landholders and farmers, and their agents, are declared responsible for the fidelity and accuracy of such accounts, are to be held and considered in full force, unless where they may be distinctly rescinded, altered, or modified, by this regulation.

Collectors empowered to require the attendance of all native agents of proprietors whose estates are about to be sold, transferred, or divided.

XXIX. In like manner, whenever an estate, or the portion of an estate may be directed to be disposed of at public sale, or may be transferred by the private act of the proprietor or proprietors, or when an estate may be divided pursuant to a decree of a court of judicature, or at the request of one or more of the proprietors, or when an estate or portion of an

estate may be under attachment, the collector shall be authorized to require the attendance of all descriptions of native agents employed by the proprietors or farmers of such estates or farms, in the management of their lands, or keeping the accounts relating to them, and to examine or cause them to be examined on oath, touching such accounts, in the same manner as he is authorized by Sections 22. and 25. of this regulation, to require the attendance and to take or cause to be taken the examination of *putwarees*; and if such agents shall refuse or neglect to attend the collector or his officer, when their attendance may be duly required, or to give their evidence, the collector is authorized and empowered to proceed against them in the same manner as is prescribed in the case of *putwarees* refusing or neglecting to attend.

And may cause them to be examined on oath touching the accounts of those lands.

Penalty if such agents shall refuse or neglect to attend on the collector.

XXX. Provided further, that the rules contained in Sections 26. and 27. shall be held and considered applicable to all such native agents employed by proprietors or farmers of land, in the management of their estates or farms, or in keeping the accounts relating to them.

Rules contained in Sections 26. and 27. declared applicable to all such native agents.

XXXI. Whenever a collector of land revenue, or other officer vested with the powers of a collector, may in any case connected with his public duty, but not provided for in this or any other regulation in force, have occasion to require the attendance of a *zemindar* or other proprietor or farmer of lands, or of the *gomashtah* or other officer or agent of such proprietor or farmer, with the accounts of such lands, he shall report the circumstance to the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares, according as he may be subject to one or the other of those authorities, and the Boards, and commissioner aforesaid, are hereby empowered to grant authority to the collector or other officer aforesaid, to require the attendance of the proprietor or farmer, or of the *gomashtah* or other officer or agent, with all accounts relating to the lands in their possession or management.

How a collector is to proceed, in cases not provided for by this regulation, whenever he may require the attendance of proprietors or farmers with their accounts.

XXXII. A written notice shall in such cases be issued by the collector or other officer, to the party whose attendance is required, stating the purpose for which he is summoned, and the papers (if any) which he is to bring with him; and if the proprietor or farmer shall omit or refuse to attend, or cause his officer or agent to attend, by the time prescribed in the collector's requisition, with the accounts and information required, the Board of Revenue, Board of Commissioners, and commissioner in Behar and Benares, (as the case may be,) are authorized and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Collector how to proceed on such occasions.

Penalty for omitting or refusing to attend when summoned.

Under what process such penalty is to be levied.

XXXIII. In cases in which, from local or other sufficient causes, it may appear impracticable or inexpedient to cause the appointment in any estate or farm of *putwarees*, in the mode prescribed in this regulation, as for instance in certain estates consisting chiefly of hills and forests in the south western frontier, and in very small *mohauls*, the accounts of which are kept by the proprietors themselves, it shall be competent to the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares, as the case may be, to suspend its operation in such estates, or farms; provided however that in all such cases the person, by whom the village accounts are kept, whether proprietor or farmer, or *gomashtah* or other officer, shall furnish the *canoongoe* of the *pergunnah* with such accounts and statements as the collector, with the approval of the Board, or commissioner, may direct, and shall be subject to the provisions contained in Sections 22, 23, 24, 25, 26, and 27. of this regulation, and the proprietors, or others by whom they may be employed, shall likewise be subject to the provisions contained in Sections 26. and 27.

Provision in cases where the appointment of village *putwarees* may be considered inexpedient.

XXXIV. No court of judicature shall take cognizance of the complaint of a *putwaree* against the landholder, or the tenants of a village, for refusing to remunerate his labours, nor shall any court of judicature take cognizance of any complaint against a collector, for or on account of, any decision passed by him, in virtue of the powers with which he is vested by this regulation.

In what cases the courts of justice are prohibited from taking cognizance of the complaints of *putwarees*.

XXXV,

Collectors to furnish a periodical report of all judgments passed under Section 20. of this regulation.

Such judgments declared liable to reversal or alteration by the Board or commissioner within six months.

How sums adjudged and fines levied under the provisions of this regulation, are to be recovered.

All fines to be credited to Government.

XXXV. It shall be the duty of the collectors, to furnish the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares, as the case may be, with a periodical report of all judgments passed by them under Section 20. of this regulation; and such judgments shall be liable to reversal or alteration by the Board, or commissioner, at any time within six months after the passing the same, but not later.

XXXVI. All sums adjudged by the collector in favour of a *putwarer*, under Section 20, and all fines directed to be levied by this regulation, shall be recoverable by the same processes as arrears of the public revenue; and all such fines, when recovered, shall be carried to the account of Government.

A. D. 1819. REGULATION I.

A REGULATION *for replacing the Districts of Dinagepore and Rungpore, under the Management of the Board of Revenue; for extending the Authority of the Board of Commissioners in Behar and Benares, to the District of Goruckpore; for re-establishing Canoongoes and reforming the Office of Putwaree throughout the Provinces of Bengal; and for explaining and modifying certain Parts of Regulation XII.* 1817.—PASSED *by the Governor General in Council, on the 5th February* 1819; *corresponding with the 24th Maug* 1225 *Bengal era; the 25th Maug* 1226 *Fussily; the 25th Maug* 1226 *Wilkaity; the 11th Maug* 1875 *Sumbut; and the 9th Rubee-us-Sanee* 1234 *Higeree.*

Preamble.

WHEREAS experience has evinced, that the general superintendence of the revenue affairs of the districts of Dinagepore and Rungpore cannot so advantageously be exercised by the Board of Commissioners in Behar and Benares, as by the Board of Revenue; and it at the same time appears expedient, with reference to the circumstances and local situation of the district of Goruckpore, to extend to that district the authority of the former Board; and whereas it has likewise been deemed advisable to re-establish the office of *canoongoe*, throughout the districts of Bengal, and similarly to extend the operation of Regulation XII. 1817. with a view to the general reform of the office of *putwaree*, the following rules have been enacted, to be in force from the 1st of March next.

The management of the revenues of the districts of Dinagepore and Rungpore replaced under the Board of Revenue.

II. Section 3, Regulation XXIV. 1817, is hereby rescinded; and the general superintendence of the revenues of the districts of Dinagepore and Rungpore shall be exercised by the Board of Revenue, in the same manner as before the enactment of that regulation.

The superintendence of the revenues of the district of Goruckpore vested in the Board of Commissioners in Behar and Benares.

III. The general superintendence of the revenues of the districts of Goruckpore shall be vested in the Board of Commissioners in Behar and Benares, in the same manner and with the same powers and authority as it is now exercised by the Board of Commissioners in the ceded and conquered provinces.

Canoongoes to be appointed throughout the province of Bengal, for the performance of the duties prescribed in Regulation V. 1816.

First. Canoongoes shall be appointed throughout the province of Bengal, in the same manner, and for the performance of the same duties, as are prescribed in Regulation V. 1816, in regard to the district of Cuttack, the *pergunnah* of Puttaspore, and its dependencies; and all the rules contained in the regulation aforesaid, are hereby extended generally to the province of Bengal.

Regulation XII. 1817, extended to the several districts in the province of Bengal.

Second. The provisions of Regulation XII. 1817, are in like manner hereby extended to the several districts of the said province, to which they have not yet been applied.

Selection and nomination of *canoongoes* in certain cases may be entrusted to other persons than the collectors.

Third. Provided, however that in cases in which it may not appear advisable, from whatever cause, to leave the selection and nomination of the *canoongoes* to the collector of the district, it shall be competent to the Governor General in Council, to appoint such other officer, specially to perform that duty, as he may judge expedient; and the officer so appointed shall have and exercise, during such period as the Governor General in Council may direct, the same powers as are vested generally in collectors of land revenue, under the provisions of

of Regulation V. 1816, and Regulation XII. 1817. But nothing herein contained shall be construed to preclude the person holding permanently the office of collector in such district, from discharging the ordinary duties of his situation, under the general rules and regulations applicable to that branch of the public service.

Powers reserved to the Governor General in Council to suspend the operation of the rules regarding *canoongoes* and *putwarees*, in special cases.

The Board of Revenue declared competent to make such alteration in the duties to be performed by *canoongoes*, as local circumstances may suggest.

And may suspend the operation of Regulation XII. 1817, in certain districts and parts of the country.

Fourth. Provided further, that it shall be competent to the Governor General in Council, to suspend the operation of the rules contained in this or any former regulation, regarding *canoongoes* and *putwarees*, within any *mohauls* in which the establishment of such officers, as prescribed in those rules, may appear to be inexpedient.

Fifth. Provided likewise, that it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, to make such alteration in the duties to be performed by *canoongoes*, as local circumstances shall suggest,—any thing in Section 7, Regulation IV. 1808, and other corresponding enactments to the contrary notwithstanding.

Sixth. Provided also, that it shall be competent to the Board of Revenue to suspend, by proclamation, the operation of the rules of Regulation XII. 1817, in the districts of Chittagong and Sylhet, and in any other parts of the country in which individual estates may generally be of inconsiderable extent, until they shall have determined, under the discretion vested in them, by Sections 3, 18, and 33. of that regulation, the number of *putwarees* to be appointed or retained; the mode in which they are to be remunerated, and the *mohauls* to be permanently exempted from its general operation.

The collector declared competent to assume the direct nomination and appointment of a *putwaree*, in certain cases.

V. In all cases in which any village, or villages, or any lands whatsoever, the accounts of which may be kept by a single *putwaree*, shall be held by two or more persons under distinct engagements with Government, it shall be competent to the collector, with the approval of the Board of Revenue, or other authority exercising the powers of that Board, to assume the direct nomination and appointment of such *putwaree*, with or without a reference to the proprietors. But in all such cases, the collector shall deviate as little as possible from established usage, and shall be careful to consult the inclinations, and maintain the interests, of all persons connected with the *mohauls* in question.

Explanation of Section 11, Regulation XII. 1817.

VI. In explanation of Section 11, Regulation XII. 1817, it is hereby declared and enacted, that if any proprietor or farmer of land shall refuse or omit to furnish the statement required by Section 4. of that regulation, within the period therein prescribed, or at any subsequent period, when called upon to do so by the collector, or other officer exercising the powers of collector; it shall be competent to the collector, or other officer aforesaid, with the approval of the Board of Revenue, or other authority exercising the powers of that Board, to levy a daily fine upon such proprietor or farmer, until the statement required be furnished, to such amount as may appear proper, with reference to the circumstances of the case, and to the condition in life of the offender.

All persons who may without due authority remove a *putwaree* from office, or oppose him in the execution of his duties, declared liable to penalties.

VII. The penalties prescribed in Section 13, Regulation XII. 1817, for the illegal removal of a *putwaree* from office, by a *semindar*, or other proprietor or farmer of land, are hereby declared applicable to all persons whatsoever, who may, without due authority remove from office any *putwaree* duly constituted or appointed; or who may oppose a *putwaree* so appointed or constituted in the performance of his duties; or who may prevent his performing them; or who may resist or evade the entry of a *putwaree*, when duly appointed, into the possession of his office.

A. D. 1808. REGULATION IV.

A REGULATION *for the Appointment and Administration of the Office of Canoongoe in the ceded and conquered Provinces, and in the Province of Benares.*—PASSED *by the Governor General in Council, on the* 17*th June* 1808; *corresponding with the* 5*th Assar* 1215 *Bengal era; the* 9*th Assar* 1215 *Fussily; the* 5*th Assar* 1215 *Willaity; the* 9*th Assar* 1865 *Sumbut; and the* 22*d Rubbee-us-Sanee* 1223 *Higeree.*

Preamble.

THE office of *canoongoe* having been found of great utility under the former governments of the ceded and conquered provinces, and being calculated to render much public benefit in those provinces, and in the province of Benares, under proper rules and restrictions; the Governor General in Council has been pleased to pass the following regulation, to be in force from the 5th of September 1808, corresponding with the 22d Bhadoon 1215 Bengal era, the 1st Assin 1216 Fussily, the 22d Bhadoon 1215 Willaity, the 1st Assin 1865 Sumbut, and the 13th Rajeeb 1223 Higeree.

Two canoongoes appointed in every perguunah.

II. Two persons shall be immediately appointed in every *perguunah* in the ceded and conquered provinces, and in the province of Benares, to execute the office of *canoongoe.*

How selected and nominated.

III. These officers shall be selected in all practicable cases by the collectors, from the number of the *canoongoes* who have heretofore discharged the duties, and shall be nominated for the approval of the Board of Commissioners in the ceded and conquered provinces, and for the approval of the Board of Revenue in the province of Benares; and shall not be removeable from office except for sufficient cause, proved to the satisfaction of those authorities, under the provisions of Regulation V. 1804.

Office of canoongoe not hereditary. Vacancies how supplied.

IV. The office of *canoongoe* is declared not to be hereditary; but in the original nomination, and in supplying future vacancies, the collectors shall make it a rule in all practicable cases to select from the families of the *canoongoes*, such persons as from character, education, and acquirements, shall be best qualified to perform the duty.

Allowance of canoongoes what it includes.

V. The *canoongoes* appointed under this regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances under the denomination of *nankar*, and any other denomination. It is also hereby declared, that the revenue of the lands hitherto held by the *canoongoes* generally, in the ceded and conquered provinces, in virtue of their offices, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons who may be continued in the office of *canoongoe* under the present regulation, and to those who may be discharged from the public service. Nothing, however, contained in this provision shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons, the whole or a part of the lands hitherto held by them respectively, free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

Exception.

VI. The above rule is not to preclude claims to rent-free lands, or pensions held by the *canoongoes* under grants made to the individuals for reasons unconnected with the office of *canoongoe.*

Duties of the *canoongoes*.

To keep a *jumma wassil bakee*.

VII. The *canoongoes* are to execute the duties herein specified.

1st. To keep a counterpart *jumma wassil bakee*, or account of the collections of the *tehsildars* from estates, the settlement of which has been concluded, and of the collections made by the *tehsildars*, or by *sezawuls*, from lands held *khas*, or under attachment.

And an account of rent-free lands, and report escheats.

2d. To keep an account of all lands held under rent-free tenures, whether the grants be hereditary, or otherwise, and to report to the collector all escheats of such lands to Government.

To keep a list of *putwarees*, and a register of *pottahs*.

3d. To keep a list of the *putwarees* in each village, and a register of *pottahs* granted by the landholders to their under-tenants.

And a register of transfers of estates.

4th. To keep a register of all transfers of estates by sale, (public or private,) mortgage, lease, or otherwise, and to attest such transfers at the request of the parties, without fee or gratuity, with their official signatures.

And accounts of boundaries, villages, produce, rent, rules, and customs.

5th. To compile information regarding local boundaries of *pergunnahs* and estates, the number and names of villages, articles of produce, rates of rent, rules, and customs established in each *pergunnah*; and to furnish, at the requisition of the courts of justice, and of the collectors, all local information within their cognizance.

To aid measurements.

6th. To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity to the regulations, or by the landholders or *ryots*, and to record the same.

To keep the accounts required in a prescribed form.

7th. To prepare and keep the information and accounts directed in this, or any future regulation, in such manner and form as may be from time to time prescribed by the Board of Revenue and Board of Commissioners respectively.

To report death of *malguzars*, and name of heir.

8th. To report to the collector the death of a *malguzar*, and the name of his heirs, and to keep a register of all successions to lands.

Canoongoes not to hold farms, or become sureties.

VIII. Persons who may be selected to fill the office of *canoongoe*, are hereby prohibited from holding farms, or from becoming sureties for farmers, or *zemindars*, within the local limits of their official duties.

Records to be made over to successors, and how.

XI. On the death, resignation, or removal of a *canoongoe*, the records of the office are to be made over to his successor; and the magistrate of the *zillah* is enjoined, on the application of the collector, to interpose his authority, in all cases in which it may be necessary to enforce the surrender of such records.

Refusal to give them up, how punished.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding section, to deliver them up, on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the regulations for resistance to the process of the magistrate.

Right of Government to vary the number of *canoongoes*.

XI. Nothing contained in this regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of *canoongoes*, of abolishing the office in any *pergunnah* where from local circumstances the duty may be performed by less than two persons, or by the *canoongoes* in a neighbouring *pergunnah*. Nor from exercising the right to increase the number of *canoongoes* in any *pergunnah* where from circumstances more than two may be found necessary.

Collectors to report when variations are necessary.

XII. The collectors are enjoined to report to Government, through the Board of Revenue or the Board of Commissioners, according as the *pergunnahs* may be situated in the province of Benares, or in the ceded and conquered provinces, all instances wherein they may deem it expedient to increase, or diminish the number of *canoongoes* in a *pergunnah*, with their reasons at large for such opinion.

A. D. 1816. REGULATION II.

A REGULATION *for re-establishing the Office of Canoongoe in that Portion of the Province of Behar which forms the Districts of Shahabad, Tirhoot, Sarun, and Behar.*—PASSED *by the Governor General in Council, on the 5th January* 1816; *corresponding with the 22d Poose* 1222 *Bengal era; the 20th Poose* 1223 *Fussily; the 23d Poose* 1223 *Willaity; the 6th Poose* 1872 *Sumbut; and the 4th Suffer* 1231 *Higeree.*

Preamble.

WHEREAS the office of *canoongoe* was heretofore established in the province of Behar; and whereas great inconvenience has been experienced, both in the collection of the public revenue and in the administration of justice, from the suppression of the said office; the following rules have been enacted, with a view to the revival of the office of *canoongoe* in all that portion of Behar which forms the districts of Shahabad, Tirhoot, Sarun, and Behar, to be in force from the 1st of February 1816, corresponding with the 20th Maug 1222 Bengal era; the 17th Maug 1223 Fussily; the 21st Maug 1223 Willaity; the 3d Maug 1872 Sumbut; and the 1st Rubee-ul-awul 1231 Higeree.

Number of persons to be appointed to execute the office of *canoongoe* in each *pergunnah*, in the districts of Shahabad, Tirhoot, Sarun, and Behar.

II. One or two persons shall be appointed to execute the office of *canoongoe* in every *pergunnah* of the districts above mentioned, unless the small extent of a *pergunnah* shall render it advisable to place more than one *pergunnah* under the same *canoongoe*.

In what manner they are to be selected and appointed to the office of *canoongoe*.

III. These officers shall be selected, in all practicable cases, by the collectors, from the number of the *canoongeés* who formerly discharged the duties, and shall be nominated for the approval of the commissioner invested with the control of the public revenue in the province of Behar; and shall not be removable from office, except for sufficient cause proved to the satisfaction of that authority, under the provisions of Regulation V. 1804, and Regulation VIII. 1809.

The office of *canoongoe* not to be considered hereditary. And in the original nomination, &c. in supplying vacancies, selection to be made of persons from the families of the *canoongoes* who may be best qualified to perform the duty.

IV. The office of *canoongoe* is declared not to be hereditary; but in the original nomination, and in supplying future vacancies, the collectors shall make it a rule, in all practicable cases, to select from the families of the *canoongoes* such persons as from character, education, and acquirements shall be best qualified to perform the duty.

The salaries which may be fixed for the support of the *canoongoes*, to be considered to preclude all claims to further pecuniary allowances, under whatever denomination.

V. The *canoongoes* appointed under this regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances under the denomination of *nankar*, or any other denomination. It is also hereby declared, that the revenue of the lands hitherto held by the *canoongoes* generally in the provinces of Behar, in virtue of their offices, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons who may be appointed to the office of *canoongoe* under the present regulation, and to those who may not be employed in the public service. Nothing, however, contained in this provision, shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons the whole or a part of the lands hitherto held by them respectively, free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

The revenue of the lands hitherto held by *canoongoes* generally in the province of Behar in virtue of their offices, liable

to resumption by Government; and this rule to be applicable to persons who may be appointed to the office of *canoongoe* under the present regulation, as well as to those who may not be employed in the public service.

Reservation to the Governor General in Council, to continue to either of the above-mentioned classes of persons, the whole or a part of the lands hitherto held by them respectively, free of assessment.

The above rule not to be applicable to claims to rent-free lands or pensions held by *canoongoes*, under grants made to them, unconnected with the office of *canoongoe*.

Description of the duties to be executed by the *canoongoes*.

VI. The above rule is not to be considered applicable to claims to rent-free lands or pensions held by the *canoongoes*, under grants made to the individuals, for reasons unconnected with the office of *canoongoe*.

VII. The *canoongoes* are to execute the duties herein specified.

1st. To keep a counterpart *jumma wassil-baukee*, or account of the collections made by the *tehsildars*, or by *sezawuls*, from lands held *khas*, or under attachment.

2d. To keep an account of all lands, held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to Government.

3d. To keep a list of the *putwarrees* in each village, and a register of *pottahs* granted by the landholders to their under-tenants.

4th. To keep a register of all transfers of estates by sale (public or private), mortgage, lease, or otherwise; and to attest such transfers at the request of the parties, without fee or gratuity, with their official signatures.

5th. To compile information regarding local boundaries of *pergunnahs* and estates; the number and names of villages, articles of produce, rates of rent, rules and customs established in each *pergunnah*; and to furnish, at the requisition of the courts of justice and of the collectors, all local information within their cognizance.

6th. To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity to the regulations, or by the landholders or *ryots*, and to record the same.

7th. To prepare and keep the information and accounts directed in this, or any future regulation, in such manner and form as may be from time to time prescribed by the commissioner invested with the control of the public revenue in the said province of Behar.

8th. To report to the collector the death of a *malguzar*, and the names of his heirs, and to keep a register of all successions to lands.

Persons appointed to the office of *canoongoe*, prohibited from holding *farms*, or becoming sureties for farmers or *sezawulars*, within the local limits of their official duties.

In the event of the death, resignation, or removal of a *canoongoe*, the records of his office to be made over to his successor; and the magistrate to interpose his authority, whenever it may be necessary, to enforce the surrender of such records.

Persons subject to what penalties, on refusing to deliver up the records above mentioned.

Power reserved to the Governor General in Council of increasing or decreasing the number of *canoongoes* in each *pergunnah*, or of abolishing the office in any *pergunnah* where it may be deemed expedient.

Duty of collectors to report to Government, through the prescribed channel, whenever it may be deemed expedient to increase or diminish the number of *canoongoes* in a *pergunnah*.

VIII. Persons who may be selected to fill the office of *canoongoe*, are hereby prohibited from holding farms, or from becoming sureties for farmers or *sezawulars*, within the local limits of their official duties.

IX. On the death, resignation, or removal of a *canoongoe*, the records of the office are to be made over to his successor; and the magistrate of the *zillah* is enjoined, on the application of the collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding section, to deliver them up, on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the regulations for resistance to the process of the magistrate.

XI. Nothing contained in this regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of *canoongoes*, or of abolishing the office, in any *pergunnahs* where from local circumstances the duty may be performed by less than two persons, or by the *canoongoes* in a neighbouring *pergunnah*; nor from exercising the right to increase the number of *canoongoes*, in any *pergunnah* where from circumstances more than two may be found necessary.

XII. The collectors are enjoined to report to Government, through the usual channel, all instances wherein they may deem it expedient to increase or diminish the number of *canoongoes* in a *pergunnah*, with their reasons at large for such opinion.

A. D. 1816. REGULATION V.

A REGULATION *for establishing the Office of Canoongoe in the District of Cuttack, the Pergunnah of Puttaspore, and the several Pergunnahs dependant on it.*—PASSED *by the Governor General in Council, on the* 16*th February* 1816; *corresponding with the* 6*th Phagoon* 1222 *Bengal era; the* 3*d Phagoon* 1223 *Fussily; the* 7*th Phagoon* 1223 *Willaity; the* 3*d Phagoon* 1872 *Sumbut; and the* 16*th Rubee-ul-Awul* 1231 *Higeree.*

Preamble.

WHEREAS the establishment of the office of *canoongoe* in the district of Cuttack, the *pergunnah* of Puttaspore, and its dependencies, may be expected to be of great public benefit in removing the obstacles which have hitherto impeded the revision of the settlement of the district and *pergunnah* above mentioned, and in otherwise facilitating the collection of the public revenue and the administration of justice, the following rules have been enacted, to be in force from the 1st March 1816; corresponding with the 20th Phagoon 1222 Bengal era; the 17th Phagoon 1223 Fussily; the 21st Phagoon 1223 Willaity; the 2d Phagoon 1872 Sumbut; and the 1st Rubee-us-Sanee 1231 Higeree.

Persons to be appointed to fill the office of *canoongoe*, in each *pergunnah* in the district of Cuttack, and in the *pergunnahs* dependant on it.

II. One or two persons shall be appointed to fill the office of *canoongoe* in every *pergunnah* of the district of Cuttack, in the *pergunnah* of Puttaspore, and in the several *pergunnahs* dependant on it, unless the small extent of a *pergunnah* shall render it advisable to place more than one *pergunnah* under the same *canoongoe*.

In what manner they are to be nominated and removed.

III. These officers shall be nominated by the collectors of Cuttack and Hidgellee, within their respective local jurisdictions, for the approval of the Board of Revenue, and shall not be removable from office, except for sufficient cause proved to the satisfaction of that authority, under the provisions of Regulation V. 1804; and Regulation VIII. 1809.

The office of *canoongoe* not to be considered hereditary.

IV. The office of *canoongoe* is declared not to be hereditary; but in all *pergunnahs* in which persons may be found, who formerly discharged the duties of *canoongoe*, the officers to be appointed under this regulation shall, as far as practicable, be selected from among them; and in supplying future vacancies, the collectors shall make it a rule, in all practicable cases, to select from the families of the *canoongoes* such persons as from character, education, and acquirements shall be best qualified to perform the duty.

Mode of fixing the salaries of the canoongoes.

V. The *canoongoes* appointed under this regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances, under the denomination of *nankar*, or any other denomination. It is also hereby declared, that the revenue of all lands, the grant of which may be found to have been obtained by any person in virtue of his discharging the duties of *canoongoe*, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons who may be appointed to the office of *canoongoe* under the present regulation, and to those who may not be employed in the public service. Nothing, however, contained in this provision shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons the whole or a part of the lands held by them respectively, free of

The revenue of lands, held by persons in virtue of their office of canoongoe, liable to resumption;

But the Governor General in Council may continue to the classes of persons mentioned in this section, the whole or any part of the lands held by them, free of assessment.

of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

The preceding section not applicable to claims to lands or pensions held by such persons under grants made to them, unconnected with the office of *canoongoe*.

VI. The above rule is not to be considered applicable to claims to lands held free of assessment, or pensions held by the *canoongoes*, under grants made to the individuals, for reasons unconnected with the office of *canoongoe*.

Description of the duties to be executed by the *canoongoes*.

VII. The *canoongoes* are to execute the duties herein specified.

1st.—To keep a counterpart *jumma wasil baukee*, or account of the collections made by the *tehsildars*, or by *sewawals*, from lands held *khas*, or under attachment.

2d.—To keep an account of all lands, held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to Government.

3d.—To keep a list of the *putwarrees* in each village, and a register of *pottahs* granted by the landholders to their under-tenants.

4th.—To keep a register of all transfers of estates by sale (public or private), mortgage, lease, or otherwise, and to attest such transfers at the request of the parties, without fee or gratuity, with their official signatures.

5th.—To compile information regarding local boundaries of *pergunnahs* and estates; the number and names of villages, articles of produce, rates of rent, rules and customs established in each *pergunnah*; and to furnish, at the requisition of the courts of justice and of the collectors, all local information within their cognizance.

6th.—To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity with the regulations, or by the landholders or *ryots*, and to record the same.

7th. To prepare and keep the information and accounts directed in this, or any future regulation, in such manner and form as may be from time to time prescribed by the Board of Revenue.

8th.—To report to the collector the death of *sudder malguzars*, and the names of their heirs, and to keep a register of all successions to lands.

Canoongoes prohibited from holding farms, or becoming sureties for farmers or *zemindars*, within the local limits of their official duties.

VIII. Persons who may be selected to fill the office of *canoongoe*, are hereby prohibited from holding farms, or from becoming sureties for farmers or *zemindars*, within the local limits of their official duties.

On the death, resignation, or removal of a *canoongoe*, the records of his office how to be made over to his successor.

IX.—On the death, resignation, or removal of a *canoongoe*, the records of the office are to be made over to his successor; and the magistrate of the *zillah* is enjoined, on the application of the collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

Persons refusing to deliver up the records of the office of a *canoongoe*, subject to what penalty.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding section, to deliver them up, on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the regulations for resistance to the process of the magistrate.

Power reserved to the *Governor General* in Council of increasing or decreasing the number of *canoongoes* in each *pergunnah*, or of abolishing the office in any *pergunnah* where it may be deemed expedient.

XI. Nothing contained in this regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of *canoongoes*, or of abolishing the office, in any *pergunnah* where from local circumstances the duty may be performed by less than two persons, or by the *canoongoes* in a neighbouring *pergunnah*; nor from exercising the right to increase the number of *canoongoes*, in any *purgunnah*, where from circumstances more than two may be found necessary.

The collectors of Cuttack and Hidgellee to report, whenever they may deem it expedient to increase or diminish the number of *canoongoes* in each *pergunnah*.

XII. The collectors of Cuttack and Hidgellee are enjoined to report to Government, through the usual channel, all instances wherein they may deem it expedient to increase or diminish the number of *canoongoes* in a *pergunnah*, with their reasons at large for such opinion.

A. D. 1817. REGULATION II.

A REGULATION *for re-establishing the Office of Canoongoe, in those Portions of the Districts of Ramghur, Bhaugulpore, and Purnea, which are comprised in the Province of Behar.*—PASSED *by the Governor General in Council, on the 17th January* 1817; *corresponding with the 6th Maug* 1223 *Bengal era; the 14th Maug* 1224 *Fussily; the 7th Maug* 1224 *Willaity; the* 15*th Maug* 1873 *Sumbut; and the* 28*th Suffer* 1232 *Higeree.*

Preamble

WHEREAS the office of *canoongoe* has already been re-established under the provisions of Regulation II.1816, in that portion of the province of Behar, which forms the districts of Shahabad, Tirhoot, Sarun, and Behar; and whereas it is expedient to re-establish the said office generally throughout the province of Behar; the following rule has been enacted, to be in force from the 1st of January 1817, corresponding with the 21st Maug 1223 Bengal era; the 29th Maug 1224 Fussily; the 22d Maug 1224 Willaity; the 14th Maug 1873 Sumbut; and the 13th Rubee-ool-uwal 1232 Higeree.

The operation of Regulation II. 1816, extended to parts of the districts of Ramghur, Bhaugulpore, and Purnea.

II. The operation of the rules contained in Regulation II. 1816, is hereby extended to the several *pergunnahs* of the *zillahs* of Ramghur, Bhaugulpore, and Purnea, which are comprised in the province of Behar, and are usually denominated the *fussily mohauls* of the *zillahs* above mentioned.

A. D. 1817. REGULATION XIII.

A REGULATION *for establishing the Office of Canoongoe in the District of Midnapore, and in the Mohauls subject to the Authority of the Collector of Hidgellee, and for extending to the said District and Mohauls the Operation of Regulation XII.* 1817,—PASSED *by the Vice-President in Council, on the* 26*th August* 1817; *corresponding with the* 12*th Bhadoon* 1224 *Bengal era; the* 29*th Sawun* 1224 *Fussily; the* 13*th Bhadoon* 1224 *Willaity; the* 15*th Sawun* 1814 *Sumbut; and the* 12*th Sawul* 1232 *Higeree.*

Preamble.

WHEREAS by Regulation V. 1816, provision is made for the establishment of the office of *canoongoe* in the *pergunnah* of Puttaspore and its dependencies; and whereas it has appeared expedient to establish the said office generally throughout the *mohauls* subject to the authority of the collector of Hidgellee, and in the district of Midnapore; and whereas it is likewise advisable to extend to the said district and *mohauls* the operation of Regulation XII. 1817, the following rules have been enacted, to be in force from the 1st September, 1817.

Canoongoes to be appointed in the district of Midnapore, and in the *mohauls* subject to the collector of Hidgellee.

II. *Canoongoes* shall be appointed in the districts above mentioned, by the collectors of Hidgellee and Midnapore respectively, in the same manner, and for the performance of the same duties as are prescribed in Regulation V. 1816, in regard to the district of Cuttack, the *pergunnah* of Puttaspore and its dependencies; and all the rules contained in the regulation aforesaid, are hereby extended to the district of Midnapore, and to the *mohauls* subject to the collector of Hidgellee, as far as they may be applicable to those districts.

Provisions of Regulation XII. 1817, extended to Midnapore, and to the *mohauls* subject to the collector of Hidgellee.

III. The provisions of Regulation XII. 1817, are hereby extended to the district of Midnapore, and the *mohauls* subject to the collector of Hidgeleo.

A. D. 1818. REGULATION I.

A REGULATION *for establishing the Office of Canoongoe in the Districts of the 24-Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, and for extending to the said Districts the Operation of Regulation XII.* 1817.—Passed *by the Vice-President in Council on the 17th March* 1818; *corresponding with the 5th Chyte* 1224 *Bengal era; the 24th Phagoon* 1225 *Fussily; the 6th Chyte* 1225 *Willaity; the 10th Phagoon* 1874 *Sumbut; and the 9th Jumadee-ul-Awul* 1233 *Higeree.*

Preamble.

WHEREAS it has appeared expedient to establish the office of *canoongoe* in the districts of the 24-Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, and to extend to the said districts the operation of Regulation XII. 1817, the following rules have been enacted, to be in force from the date of their promulgation throughout the aforesaid districts.

Canoongoes to be appointed in the 24-Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge.

II. *Canoongoes* shall be appointed in the districts of the 24-Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, by the collectors of those districts respectively, in the same manner, and for the performance of the same duties as are prescribed in Regulation V. 1816, in regard to the district of Cuttack, the *pergunnah* of Puttaspore and its dependencies; and all the rules contained in the regulation aforesaid, are hereby extended to the districts above mentioned.

The provisions of Regulation XII. 1817, extended to the above mentioned districts.

III. The provisions of Regulation XII. 1817, are hereby extended to the districts of the 24-Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge.